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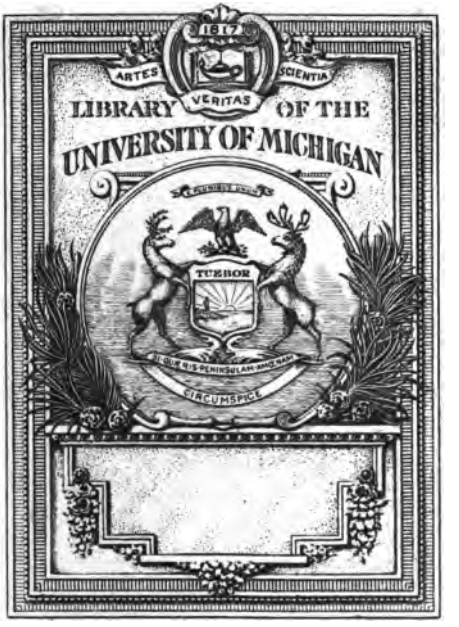

Warrington, Henry Booth, 1st earl of

THE WORKS OF THE Right Honourable *Henry* late L. *Delamer*, AND Earl of *Warrington*:

CONTAINING

His Lordſhips Advice to His Children, Several Speeches in Parliament, *&c.*

WITH MANY OTHER

Occaſional Diſcourſes

On the AFFAIRS of the

Two Laſt Reigns:

BEING

Original Manuſcripts Written with His Lordſhips own Hand.

Never before Printed.

LONDON,
Printed for *John Lawrence* at the *Angel*, and *John Dunton* at the *Raven* in the *Poultrey*. 1694.

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TO

The Right Honourable

THE

EARL

OF

WARRINGTON.

My Lord,

SInce my late Lord *Warrington* your Father truſted me with the care of your Education, your Lordſhip has made ſo great a Progreſs in all things which I Taught you, that I am now forced to procure you another Tutor: You are become in a little time a great Maſter of ſeveral Languages, and moſt parts of Philoſophy, and I may ſay without flatte-

ry, that your Lordſhip hath Genius, Learning and Piety enough to make one of the Beſt and the moſt Accompliſh't Gentleman in *England*: But yet your Quality requires ſomething more; for it is not enough for one in your Lordſhips High Station to be Humaniſt, Geographer, Hiſtorian, (and I may add) a good Man too; he muſt be alſo a States-man, and a Politician; but being neither, my ſelf I muſt repeat the ſame thing over again to my Shame, and to your Credit, that your Lordſhip wants a better Maſter. Amongſt ſeveral of the moſt Eminent Men which I could recommend to your Lordſhip, I found none ſo Learned, nor indeed ſo fit to make deep Impreſſions upon your Mind as your Lordſhips Noble Father, whoſe Writings belongs to you as well as his Eſtate; I don't doubt but you will ſtrive to get the

beſt

beſt ſhare of his Learning; nor can you fail of an Extream Delight by drawing Sciences out of the ſame Spring from whence your Noble Blood did flow. His Book then being yours both by Inheritance, and by the particular gift of its Authour, it would be unjuſt to preſent it to any other but your Lordſhip; and needleſs to recommend it, or beg your acceptance for't: Therefore omitting any longer Preface, in Recommendation of theſe *Golden Remains*, I'll only take leave to make this Obſervation upon them, That as there is nothing wanting in them for your Lordſhip's Inſtruction both by Humane Learning and Solid Devotion, I have fitted you with the Maſter that I look't for, and whom you wanted: From whom having obtained all the Qualifications which your Noble Soul is capable of;

you have no more to wiſh for, but that you may live and practice 'em; and it will be to me both a great Satisfaction and Honour to ſee my Work finiſht by the ſame Artiſt who put it firſt into my hands, and truſted me with the beginning of it. It will be enough for me that I have put my hands to ſuch a Maſter-piece, and ſhall be highly honoured if your Lordſhip take notice of my Endeavours, and ſufficiently Rewarded if you grant your Protection to him who has no other Ambition than to be,

Your Lordſhips

Moſt Humble, moſt

Obedient and moſt

Devoted Servant,

J. Dela Heuze.

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His

His Lordſhip's

ADVICE

To His

CHILDREN.

To my Dear Sons.

HAving lived in an Age, where a few Months has produced great Revolutions and Troubles, the miſchievous effects of which having fallen very heavy as well upon my own Perſon, as upon my Family: For before I was nine years old I ſaw my Father a cloſe Priſoner in the *Tower* ſeven Months for his Loyalty to his King and Country, and by little leſs than Miracle thence delivered; and having but juſt paſſed over my Thirty Fourth Year, for the next day (after having been a cloſe Priſoner in the *Tower* three times) I was tryed for my Life, for adhering to the Intereſt of my Country. And now in my Thirty Seventh Year perceiving a boiſterous Storm to approach, by which I may probably expect to be ſwept away in the common Calamity, and conſe-

quently muſt leave you all very Young; I think it to be the beſt thing I can do for you, to advertiſe you of the rocks and precipices which by means of my Troubles and Sufferings I have diſcovered: And to that end it is that I recommend to you the following diſcourſe.

Next to being wiſe to Salvation, there is nothing that more concerns any man, than to know how to order his Affairs with diſcretion: For this not only brings us with eaſe and content through the world; but this double Happineſs alſo attends it, firſt by it we leave behind us that highly valuable thing of a good Name, and Secondly it helps us many ſteps in our way to Heaven. Therefore to give you ſome directions how to ſteer your courſe through this World is the occaſion of the following diſcourſe.

Firſt then, be ſure to begin and end the day with God. Let not any buſineſs prevent you from ſpending ſome time in private devotion both Morning and Evening: For this, as without contradiction it is our duty, ſo Reaſon does ſtrongly perſwade the practice of it: For if we do believe that there is a God, and that all our hairs are numbred, which implies his particular care of us; can we expect that he ſhould take us the reſt of the day into his protection, when we ſet ſo little by it, as not to think it worth the asking? Were any of us to go ſome road which we had never travelled before, and beſides, ſo full of holes and precipices, and ſuch as whileſt we avoided one, it would be great odds that we fell into another, and conſequently would be extreamly bruiſed if not killed, and there is but one Perſon who knew the way; would not

we

we be very importunate with him to guide us? If then we do but ſeriouſly conſider the multitude of hazards and dangers which we are expoſed to in one day, we muſt conclude that our preſervation is purchaſed by a very ſmall price, even by a few minutes in private devotion in the Morning. And there is as great reaſon for our evening Sacrifice. It is a very ſmall favour that does not deſerve thanks; but great ought our acknowledgments to be every evening for our preſervation the day paſt: For reckon up by how many ſeveral accidents men have dyed, even ſo many and more do we eſcape every day; and then conſider how ſmall a recompence we render to the Lord for ſuch tranſcendent Benefits, and how gracious he is to accept ſo ſmall a tribute as we are able to pay him in a quarter or half an hour in private. Conſider further, if betwixt man and man an acknowledgment of a favour received lays a ſort of obligation upon the Perſon to beſtow a ſecond; what may we not expect from God, whoſe goodneſs extends beyond what we can comprehend? for he beſtows Benefits upon the moſt ungrateful; and then we may be ſure that a ſincere and humble tribute of thanks will be very acceptable to him. And that it may be ſuch, take eſpecial care, that your Supplications (as much as in you lies) be void of all diſtraction and dullneſs, leſt being performed careleſly and formally you may ſeem to mock God: for he cannot be pleaſed with ſuch Services, neither will he anſwer them in mercy: For I have obſerved, any Morning that I have *hurried* over my Devotions, the day following has not been proſperous, and that thing which particularly occaſioned me to ſuch haſte, has met with ill ſucceſs.

In the next place, Let all your Dealings be meaſured by the *golden Rule*, of doing to others as you would be done by. For as without this you cannot be a good Chriſtian, ſo he that is void of it cannot be a truly moral man. It is much to be lamented, that amongſt us it is not more ſeriouſly conſidered, and faithfully practiſed: For the want of it is the root, from whence moſt of our miſchiefs and troubles do ſpring. And whenever men do entertain a juſt opinion of it, then will the World be truly ſaid to enjoy the golden Age: For next to the Goſpel of Jeſus Chriſt, nothing can procure ſo much peace on Earth. True it is, that ſeeming Advantages may frequently offer themſelves to induce us to go beſide this Rule; but indeed they have only an out-ſide, and no more: for what a man gains thereby, is but of a ſhort duration, and ſeldom ends but in trouble and vexation; for being out of Gods way, it cannot be expected that his Bleſſing ſhould attend it, and without that nothing can proſper. And beſides, he that in a great meaſure does not practice this Rule, cannot go out of the World with the name of an honeſt man; and he that is not ſolicitous to leave behind him that character, is fitter to herd with Brutes, than to be admitted into any civil Society.

And now let me recommend to you the Duty and Affection which you owe to your *Country*: For next to God's Glory, there is nothing that ought to be ſo dear to you as the *common good*; it is to be preferred to your Life, Eſtate or Family. To this you are ſtrongly perſwaded as Man is a ſociable Creature, for it is by the mutual aſſiſtance of each other that Mankind ſubſiſts. Let every Man ſeek only himſelf, and have no regard to the

common

common good, nothing but an universal disorder and confusion would thereupon ensue; and then what profit can we expect of all the labour that Man takes under the Sun? True it is, that fishing in troubled Waters may be gainful to some people; yet all their attempts are done in expectation that there will be a settlement in the Publick, as without which their Undertakings will prove ineffectual; So that not only Nature, but Self-Interest argue irrefragably for it. Besides, as we owe the happiness of our Age to the care that our Fore-fathers had of the Publick; so it lays a duty upon us to transmit to Posterity what was bequeathed to us: No man is more ignoble, than he who throws off all thought for the Publick, the very Heathens could say, how pleasant and delightful is it to dye for their Countrey? It is by reason of this concern for the Publick that we render such honour to the King; who if the Common-wealth did not receive great Advantage by his Care and due administration of Justice, would be regarded no more than another man. There never yet was any good Man who had not an ardent zeal for his Countrey; And to all men of true honour and worth, it is a more pleasant reflection to think how useful they have been in their Generation, than how wealthy they are grown.

Though we are bound to do all the good we can, yet you ought not to be over-forward in taking upon you any publick Imployment, save with these two Cautions, First, that you be in some good measure qualified for it. Secondly, that you undertake it for the sake of Gods Glory and the good of your Country, and not to gratifie your Ambition: For as by reason of Insufficiency, you

will certainly come off with ſhame; ſo by deſiring it for a wrong end, God will not proſper it. Perhaps the *activeneſs* of your temper may puſh you on to buſineſs; in that caſe you have no more to do but to make your ſelf fit for it; and then a man of your quality and condition need not hunt after imployment, for it will ſeek him out.

Now as good eſteem and popular applauſe are the general returns to good ſervice done for the publick, ſo ſuch as deſerve it, ſeldom fail of it: And you will find that this Nation is more ſteady in the firſt and the more valuable, I mean their good eſteem and affection, than in the latter, for that is beſtowed upon every occaſion, and ſo being become common is of leſs value. If then you have done your Countrey good ſervice, be not diſturbed when you may think the merits of your ſervice is forgotten and drowned in the applauſes that are given to ſome popular action: For you will often ſee that though a Man has been the greateſt Villain to his Country, yet upon doing any one popular thing, he ſhall for the preſent be cryed up as the beſt and *braveſt* man alive; but as this has no foundation, ſo it will prove but a nine days wonder, and when that time is expired, they will return to their Wits, and remember thoſe to whom they are obliged. When you are got into imployment, be it never ſo agreeable to you, let not the fear of being turned out prevail with you to do the leaſt Injuſtice, or to act irregularly, neither for the ſerving of a turn, nor for any other Conſideration: For upright behaviour in regular times, is the ſureſt way to keep you in your Seat: And in times of diſorder you muſt reſolve to do every ill thing that is put upon you,

if

if by such means you will keep your place, for the doing of one will not secure you. Now though you lose your Place by refusing to do what you think is not just, yet you retain your Honour and Conscience, and all the odium your Enemies would cast upon you will then prove only malitious aspersions, and turn with shame upon the head of your Accusers: And by your *Integrity* you will give your Family so great a Reputation, as sooner or later will turn more to the advantage of it, than the holding of your Place longer could have been.

When you are in a very *high Station*, be sure to behave your self with the like familiarity to all sorts of Persons, as you did before your promotion: For by this you will not only gain the esteem of every body; But if you are displaced, you will lose nothing of the respect that was paid you.

Besides this, be sure to be *easie of access* to every one that has business with you, and give them all the dispatch you can: For as in common charity you are bound to do it, that no man may be tyred out in attending his just concerns, so it is an honest policy to keep friends in store against an evil time; whereas they who practice the contrary, not only procure themselves hatred whilest they are in Place, but when turned out (for such don't stand long) none are so much despised and contemned as they.

But an Imployment at Court, I mean such as is purely within the Court abstracted from the Publick, is seriously to be thought on before you ingage in it: For nothing but the pure profit can incline a man of a generous and noble Spirit to

accept of it. For though Princes ſhould be examples of Piety as well as adminiſters of Juſtice; yet there is ſo much looſeneſs and diſorder in their Families, that a man who lives there muſt be very well fortified with Religion and Morality, or he will be in great danger of loſing his Integrity: For how often will he be neceſſitated to neglect his Devotion both in publick and private, and at beſt hand poſtpone the worſhipping of God to the attendance on his Prince, and ſerve God only in the ſecond place: And then it is no ſtrange thing if the miſt occaſion'd by the arbitrary vapours of the Court do ſo far miſlead him as to fall down and worſhip him who is but his fellow-creature; yet great reſpect is due to him, becauſe placed in ſome degrees above him for his good and advantage.

Conſider beſides the ſervile compliances to which he muſt ſubmit, even to pretend to love the man he hates, and crouch and bend to the man that he does deſpiſe; And as Courts are always in Factions and Parties, ſo he cannot avoid falling in with ſome ſide; and whatever they drive at, he muſt implicitely purſue it, though to the deſtruction of ſome Perſon who never injured him, or any other thing as baſe as that.

Add to this, how unſetled he muſt be, always in a hurry, and ſhifting from place to place at an hours warning, and pay ſuch ſlaviſh attendance as we don't expect from the meaneſt of our Servants: And in the mean while his Eſtate in the Country is left to the honeſty of Servants, in which as he cannot fail to be a loſer, ſo muſt he alſo in the intereſt and affection of his Neighbours: Whereas he that lives at his own houſe, has daily opportunities of doing good, and is ſtill gaining upon the

good

good will and eſteem of his Countrey, ſo that when any of them ſee him, they do not fail to pay him reſpect, and at the ſame time wiſh him well from their heart.

Though this is not intended as a diſcourſe upon the *Politicks*, but as ſome directions in your paſſage through this World; yet I conceive it not improper to ſay ſomething of *Government* in general, and therein of a King, ſince the want of a right notion herein has been the occaſion that many a one of honeſt intentions has gone out of the World with the character of an ill Man.

Government then in general is neceſſary, as well becauſe of Gods expreſs Command, as alſo that no Society of men can ſubſiſt without it: And that particular form of Government is neceſſary, which beſt ſuits the temper and inclination of the People, and thereby becomes to be Gods Ordinance; But no particular model of Government is ſuch in it ſelf, ſave ſo far as it effects the true end of Government: For nothing can be God's Ordinance, but what he has expreſly declared to be ſuch. And if he had thought any ſort of Government to have been better, or more neceſſary than another, he would not have left the World ſo much in the dark in a matter of ſo high importance; but he would either have expreſly declared it in his Written Word, or diſcovered it to us by the inſtinct of Nature; But we cannot find any ſuch thing in Holy Writ, neither does Nature prompt it, becauſe there are ſo many ſeveral ſorts of Government in the World, no two of them agreeing in every point, but differing in ſomething that is very material. And even the Jews, Gods peculiar People, who received their Statutes and Judgments imme-

immediately from him, yet therein he did not preſcribe or limit them to any particular form; but what he did command were only rules in general for the executing of Judgment and Juſtice amongſt themſelves; for we find that the form of their Government was changed no leſs than five times, if not more often: 1. Under Patriarchs, 2 Under *Moſes*, 3. Under Judges, 4. Under the High Prieſt, 5. Under Kings. So that nothing can be more clear, than that God has not appointed the World any form of Government, but left every Nation and People to chuſe ſuch a Model as beſt liked them: And I have often thought, that God Almighty did on purpoſe permit the Jewiſh conſtitution to be changed ſo often, to let the World underſtand that every form of Government was alike indifferent to him, and that if any People found theirs to be out of order, the blame reſted at their doors if it was not reformed.

The true original of Government being thus diſcovered, it gives us plainly to underſtand whence Kings receive their Power, and what is the natural and lawful meaſure of their power: For if God Almighty did permit every people to model their own Government, from whence can the Kings Prerogative flow, ſave out of that conſtitution? Unleſs it be ſuppoſed, which is ridiculous to imagine, that Kings are ſent down immediately from Heaven with their Commiſſion in their hands, or elſe that they *begat all their Subjects*. If then their power does flow from the Conſtitution, the natural extent of it does ſeem to be limited within the rules of doing equal right to rich and poor, to relieve the oppreſſed, and to puniſh the guilty, unleſs it can be ſuppoſed that

cruelty

cruelty and oppreſſion is more eligible than Juſtice and Peace. And therefore it is more than to be ſuppoſed, that when any People conferred ſo great a truſt upon their King, it was with this condition, either expreſſed or implied, that as much as in him lay he ſhould lay out that power to the good and advantage of the People: For though ſeveral Kings have taken upon them to govern by their Will, and this practice has prevailed for many Succeſſions and Ages, yet this cannot give them a good title to their arbitrary Rule, becauſe the body of the People have an earlier claim, and a younger title muſt give place to the elder, and a title or power gained either by force or fraud can never be good, and by one of theſe two arbitrary Power can only be gained: For the meaſure of Power, which by the inſtitution of the Government was aſſigned to the King, cannot in reaſon be ſuppoſed to be any other, than ſuch as men of ſound underſtandings and without conſtraint ſhould judge to be moſt behoveful to the common good. Now if Kings may of right exerciſe a power beyond this, then is the condition of every Subject much worſe than the Brutes; for Brutes, though chaced from their uſual abode, yet can they in any other place find food and lodging, as well as where they uſed to frequent; and whenever they are killed or purſued, it is becauſe they are hurtful, or that the ſeiſing of them is uſeful to men: But when Subjects, by reaſon of the cruelty and oppreſſion of an arbitrary King, are neceſſitated to fly for their Lives, they are under a certainty of periſhing for want of food and lodging, if not relieved by the charity of others; and their deſtruction is reſolved on, not that they have

have offended againſt the Laws of nature or reaſon, but becauſe the intentions and thoughts of their King are evil. A King that lays out himſelf for the good of his people, is to be obeyed for Conſcience ſake, for he is God's Ordinance; and ſuch a King can never be too highly eſteemed, nor the loſs of him ſufficiently lamented. But when a King forſakes the guidance of the Law, and rules only by his Will, to call ſuch an one God's Ordinance is very abſurd, unleſs we can ſuppoſe God to be the Authour of confuſion and oppreſſion.

All that have written of *Government* agree in this, that Kings were created or ſet up that Juſtice may be had, which does plainly intimate theſe things, Firſt, That every King is ſuch by reaſon of the conſtitution of the Government. 2. That he is admitted to that truſt upon condition. 3. That when he does not adminiſter Juſtice, much more when he oppreſſes the People, he exceeds the limits of his lawful power; and both this Doctrine and Expoſition is not denyed by any, ſave ſome ignorant *Ambitious Clergy*, who in hopes of preferment have turned *Bawds to Arbitrary Power*: And the Coronation Oath, or Solemn Ingagement which every King takes before he is crowned, confirms the foregoing Obſervations; and what can oblige the taking of that Oath, but the conſtitution of the Government? For ſince Mankind is ſo greedy of Power, and prone to incroach upon anothers right, can it be ſuppoſed that Kings would clog themſelves with the *Coronation Oath*, if they could avoid it, much leſs that they would on their own accord ſo ſhackle themſelves?

What

What has been ſaid, will ſerve to explain what is the true meaning of a natural Prince or Lord, a notion, which for want of conſideration, has gulled a great many good People, and yet amounts to no more than this, That he is one of our Brethren, or born amongſt us.

It is a *meer conceit*, to imagine that any thing is ſuch by the inſtitution of Nature: For if Nature had formed any Government, every other Government in the World would have been of the ſame Form and Model to all intents and purpoſes: For Nature is immutable and the ſame in all places; and what it does in one place, it does the ſame thing in another. So that all that Nature does in the framing of any Government, is only to concur with the people in making choice of that which beſt ſuits their diſpoſition and temper, not to preſcribe or neceſſitate them to any particular form: And then conſequently it will follow, that what lawful Right or Power every King claims, is by reaſon of the conſtitution of the Government, and not from Nature.

If there be any ſuch thing as this Natural Right, it muſt be inherent in all lawful Kings; for if ſome of them have it, why not all of them? And if any have, every King elſe has the ſame. And if this be ſo, where was the Natural Right of King *Stephen* and *Henry* II, both born out of the Realm, their Fathers Forraigners, and at the ſame time there were others, who by right of deſcent were nearer to the Crown than either of them.

It was not this natural right that invented the coronation oath, neither is it by reaſon of it that every King of *England* is bound to take it before they

they can require any of their Subjects to do them homage and fealty.

If there be any ſuch thing as this natural right, then it will follow that all the Kings of the earth but one are Uſurpers; becauſe this natural right muſt ariſe from *Primogeniture*; and there can be but one man at the ſame time who is the rightful Heir and Succeſſor to *Adam*; and conſequently all others that pretend to be Kings, uſurp upon his right. So that this notion of a natural right, pulls down the thing it pretends to ſet up.

When a *Common-wealth* is changed into a Monarchy, is it this natural right that makes him King who is firſt ſet up? Or when a Family is extinct that has been long in poſſeſſion of the Crown, and the Body of the People chuſe a King from amongſt themſelves, is it by this natural right that he attains to this dignity? But as a multitude of other abſurdities would follow upon it, ſo the Apoſtle puts the thing out of diſpute, when he ſays, That Kings are the Ordinance of man. And here I will leave Kings to reſolve which is their beſt title, whether this natural right, or the conſtitution of the Government.

Differences and diſputes do but too frequently ariſe betwixt the King and People; and therefore I will tell you what I conceive to be adviſable when ſuch ill humours are afloat.

Conſider whoſe demands do beſt ſuit the common good; For by a ſerious and impartial examination of that you will be able to diſcover who is in the right: For if you follow this rule exactly, it will not miſguide you. And take this Obſervation along with you, When the State is diſtempered, you will find for the moſt part (if not always)

ways) that the cauſe of offence proceeds from the Court. And the reaſon of it is very evident, Becauſe ſo long as *Engliſh men* injoy their rights, they have no occaſion to quarrel with the King, for they need nothing elſe. But Kings as they are, always think they are too ſhort in power, and thoſe that are about them are too apt to incourage thoſe deſires in Kings; becauſe the more abſolute he is, the more able he is to gratifie his Creatures. Now in this caſe, let not the opinion of the *Clergy* govern you; for none are *blinder Guides* than they, and no one thing hath done more miſchief in this Nation than their politicks.

If you happen to be on the prevailing ſide, uſe your advantage with *Moderation*. This you are obliged to do as you are a good Chriſtian, and *ſelf-intereſt* pleads for it: for ſince the events of all things are uncertain, there may come another turn, and then in reaſon you may expect fair quarter from them, whom you treated ſo well in the day of your power.

If your Party come by the worſt, remember theſe two things; Firſt, don't think the worſe of your Cauſe by reaſon of the Succeſs; Neither make any *mean ſubmiſſion*, nor do any other ſordid thing to get out of your trouble; uſe only lawful and honeſt means, for if you are in the right, ſooner or later it will prevail, and then in the end you will come off with double honour.

2. If you are examined as a *criminal*, confeſs nothing, only argue againſt the inſufficiency of what is objected againſt you. For Firſt, It is an argument of your courage and reſolution. Secondly, By confeſſing any thing, you help them to evidence againſt your ſelf and others; for you furniſh them with

with *time* and *place*, and then it is an eaſie matter for a Knight of the Poſt to give ſuch an evidence againſt you as is not eaſily diſproved. Thirdly, It's very ſeldom that you will meet with better uſage, though you confeſs never ſo much, unleſs you will turn accuſer of others, and give evidence againſt them; which is ſo baſe a thing, that I would adviſe you to undergoe any extremity rather than do that: For as your own Party will for ever abhor you and your Memory, ſo the other ſide will deſpiſe and ſlight you as ſoon as you have done their buſineſs, and all that you can do for the future will never wipe off ſuch a blot.

If you are concerned in the proſecution of any publick Criminal, let your proceedings be tempered with Juſtice and Moderation: For I have ſeen it fatal to ſeveral who have ſtrained and forced the Law to the deſtruction of others, yet in the end fell into the Pit they digged for others, and periſhed by their own Law.

When the State is ſo ſore that it makes a Man an Offender for a Word, and the times are ſo evil that the prudent keep ſilence; Then are all meetings to be avoided, ſave only ſuch as are upon real buſineſs, recreation, or for Neighbourly Viſits, and thoſe too in as ſmall numbers as may be, for Spyes and Informers will thruſt themſelves into Conſults and Cabals, and of all others will ſay the hotteſt and moſt violent things, in hopes that believing that all proceeds from the fervency of their Zeal, you may thereby be induced to ſay ſomething that will bring you within the compaſs of the Law: Or if you have the diſcretion or good hap to ſay nothing, yet your very being in the ſame Company where ſuch things have been ſaid or uttered,

uttered, may either make you criminal, or at beſt hand involve you into a great deal of trouble, without bringing any advantage to the Cauſe you do aſſert. And beſides, he that herds in Cabals, muſt implicitely adhere to the opinion of that Company; for by aſſerting his own Judgment in oppoſition to theirs, though he be never ſo much in the right, he runs the hazard of being reproached for a Spye or Deſerter.

As you ought not to refuſe any danger, when a proportionable advantage will thereby accrue to the Cauſe you would ſupport; ſo in ſuch ſore times you ought to avoid the doing of any thing unneceſſary, hot and provoking, unleſs where you or the Cauſe will reap benefit thereby. For young men, either through the heat of their years, or the inſtigation of more crafty people, are too often prevailed upon to do many things, that in appearance look very brave, and for the preſent may gain a popular applauſe, but in the end ſerve only to expoſe the Perſons themſelves and the Cauſe they ſtand by: For a hot-headed or raſh Action of any one Man, eſpecially if he be of note, furniſhes the other ſide with ſufficient matter to brand the whole Party with it. If therefore you ſhall at any time be put upon doing any ſuch thing, do but deſire thoſe that propoſe it to lead you the way; and if they refuſe, you may be ſure that it was not your good they intended, but to promote ſome ſelfiſh end of their own, though they foreſaw that it would expoſe, if not ruine you.

Theſe Directions, and what elſe can be given you, will not much avail without your own improvement of them, which muſt be done by reading and obſervation; and thoſe ſorts of Studies

ſeem to be moſt eligible by men of generous tempers, which tend moſt to fit a man for the publick Service; and next to God's Law, there is nothing more neceſſary for an Engliſh-man than to be well acquainted with the Law of his own Country; to the attaining of it ſeveral Books are to be read, of which I do in particular recommend to you *Coke*'s *Inſtitutes*, *Croke*'s, *Hubbert*'s, *Dyer*'s and *Vaughan*'s *Reports*, and eſpecially the latter, for though it contains but a few Caſes, yet they contain in them ſuch ſtrong reaſon as gives great Light into other matters. Next to theſe, all my Lord *Bacon*'s Works, and a Book called *Bacon*'s Uniformed Government of the Laws of *England*, which is worth its weight in Gold. Next, *Lambert*'s Saxon Laws, *Forteſcue* of the Laws of *England*, A Book Intitled *De Pace Regis & Regni*, and another called the *Rights of the Kingdom*, and a ſmall Book Intitled *Nihil dictum, quod non dictum prius.*

Moſt, if not all of theſe you will find in my ſtudy, and they may eaſily be read over in a few Months, and time enough allowed for Buſineſs and Recreation. When you have gone through them, I am perſwaded that they will not only give you an appetite to read them over again, and make obſervations as you go along, but alſo to enquire after other Books of that ſort.

Next to a knowledge in the *Law*; *Hiſtory* is very neceſſary, and eſpecially of our own Country. And though we have many Chronicles, yet the Lives of our Kings that are written by particular hands are the beſt, and give the trueſt account of things. It is alſo neceſſary to look into the Hiſtories of other Countreys, and the Lives of Famous Men, as thoſe that paſs under the Title

of

of *Plutarch's Lives*, *Grotius de jure belli & pacis* is allowed by all to be one of the beſt Books that ever was writ. And notwithſtanding the clamour that is made againſt *Machiavil*, I would not have you to paſs him by; for that part of him againſt which the out-cry is made, it is only Inſtructions what a Tyrant is to do if he will reign ſafely; yet he does not perſwade any King to it, but is much againſt it, as you will ſee in reading over his Works.

To read a *Play* or *Romance* now and then for diverſion, may do no hurt; but he that ſpends moſt of his time in ſuch Books, will be able to give a very ill account of it.

Be your Studies what they will, yet be ſure to drive the nail only as you find it will go. That is, in the firſt place, never go to your Study but when you find your ſelf very well diſpoſed to it; for to do otherwiſe, is to go againſt the grain, and nothing that way can be well done. In the ſecond place, ſtay no longer at it than you can taſte what you read; for after that your thoughts begin to be unſteady or wander, it is loſs of time to proſecute it: nay it will occaſion you to loſe much of what you had gained before, and ſo you will go backwards inſtead of forwards: For nothing is more miſchievous in ſtudying, than to tye ones ſelf to a certain time of going to it, or ſtaying ſo long, or reading ſo much together, for we are not at all times alike diſpoſed to our Book. Now by ſtudying only when we are diſpoſed, though we do not ſeem to make ſuch haſte, yet we make better ſpeed; for a Book read over once this way, is of more advantage than thrice read over, if theſe precautions are not obſerved.

When you are to debate in *Parliament*, or upon any other publick occaſion, and ſince the end of ſpeaking is to convince, Obſerve theſe two following Directions.

Firſt, Argue as directly and cloſely to the matter as you can; for this is the ſureſt way to prevail, becauſe it gives your Opponents the leſs advantage againſt what you ſay. And beſides, nothing is a greater argument of a ſound judgment, than to be able to bring the matter to a point.

Secondly, Be not over ſollicitous for words and Phraſes, when either they hinder you from digeſting your matter throughly, or occaſion you to ſay any thing that has not ſome weight in it. Apt words and quaint Phraſes are very good adornments of Speech, yet they are not ſo neceſſary, as that for want of them a Man of good underſtanding ought to be ſilent. For deep and weighty Notions, though delivered in a very rough ſtile, will touch the reaſon, and convince the underſtanding, many degrees beyond light and frothy thoughts, though dreſt up in the beſt Language imaginable: For Senſe is beyond words, as much as the Subſtance exceeds the ſhadow. And certain it is, that you will in ſpeaking gain applauſe by good Senſe, rather than by the fineſt Words and Phraſes. It's Senſe that pleaſes the Wiſe and Men of Judgment, and Words and Phraſes without Senſe Tickle the Ears of inſipid people.

In *private Converſation* remember theſe things. Be the diſcourſe merry or ſerious, let what you ſay be rather good, and to the purpoſe, than much: For he that talks a great deal, does rather expoſe himſelf, than divert or oblige the Company.

ny. A Man is ſeldom accounted a Fool for ſpeaking too little, but is too often ſo eſteemed for ſpeaking too much, becauſe in the multitude of words there will not want folly.

In the next place, let neither your behaviour or diſcourſe be formal or ſtarcht, for a tincture of that in either takes off the pleaſure which the World does generally propoſe and expect in Converſation; For as this does at firſt proceed from affectation, ſo it will always appear to be ſuch, and any thing that is forced or conſtrained in company is never welcome. He that affects an *over-grave* behaviour, or ſet way of ſpeaking, does it rather to admire himſelf, than to pleaſe others; and whatever ſatisfaction they may take in it themſelves, yet it tends to no other end than to render them ridiculous to every Company they come into.

Promote the Diſcourſe you find is moſt agreeable to the Company, if it be not againſt your Opinion; but ſay not any thing that may favour either of Fear or Flattery: For he that does ſo, muſt at one time or other ſay contrary things, which is very mean and contemptible; yet ſay not any thing that unneceſſarily may diſoblige any of the Company, unleſs you ſeek for an occaſion to affront that perſon. If any thing be ſaid that diſobliges you, and the affront be ſuch that for the preſent you cannot command your ſelf, withdraw and diſpute it in another place; for by this you will ſhew more breeding and courage, than if you gave the Company more diſturbance about it.

As you ought not to be over-reſerved to any, ſo you muſt not behave your ſelf alike to every

Company; but accordingly as you eſteem or value any, ſo ſhould you be more eaſie or reſerved.

Though we ought to have fervent Charity, yet it does not forbid us to look warily about us: And therefore be not too haſty in believing that this or that is an honeſt Man. For as for one bad action you ought not to conclude that man to be a Knave, ſo for doing two or three good things, without other evidence or proof, you ought not too confidently to depend upon his integrity. And in all Treaties and bargaining, eſpecially of moment, believe you have to do with a Knave: For every Man pretends to be honeſt, though few are ſuch. Now as no honeſt Man will blame you for your cautious proceedings, ſo you ſecure your ſelf againſt the advantage that Knaves would make by your lying at a more open Guard.

Let not any thing of *Pride* appear in you, either towards your Equals or Inferiours. A little Pride looſes a Man a great deal of eſteem: For nothing is more deſpiſed by every body than a proud Man, and no body values him but himſelf; and what he aims at by his haughty and ſtately behaviour he thereby looſes, that is, reſpect: Whereas an humble friendly deportment wins ſtrangely upon all ſorts of people; the *pulling off your Hatt* may ſometimes gain you the heart of that Perſon you took notice of. And though you reap no advantage by it, yet what great pains is it to move your hand to your Hat. And remember, that the moſt poor and miſerable object is your fellow Creature, only you are placed a degree or two higher than he; yet if God had ſeen it good, you

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and that ſad object might have changed places. So that hence ariſes great occaſion of thankfulneſs to God, but not the leaſt of Pride.

Do not too eaſily credit any thing that is told you to the diſadvantage of another, eſpecially where you are to cenſure or judge it, or your belief may do him prejudice: For as it is a tranſgreſſion of that equal Law of doing as you would be done by; ſo it is manifeſtly unjuſt, becauſe you judge that Perſon without hearing him. And beſide, when a man is prepoſſeſt, he will have much adoe to judge righteouſly; for if a gift does blind the Eyes, much more will prepoſſeſſion or prejudice lead us aſide in judgment. Nature has given us two Ears, which is a plain intimation that we muſt hear both ſides together, and at the ſame time; for no man can judge rightly, if he don't hear both ſides together, and come to hear the cauſe without prejudice or preingagement.

He that ſpeaks ill of another behind his back, does it either becauſe he has no good will to that Perſon, or becauſe he ſuppoſes that you have not, therefore neither he nor his Errand ſhould be welcome to you: For as we ought not to ſpeak ill either of the dead or abſent, ſo neither ought we to take pleaſure in hearing that which is to the diſadvantage of either.

Tale-bearers are a Weed that grow in every Soil, and where they meet with the leaſt incouragement, draw all the nouriſhment to themſelves, and ſtarve all about them. If you love your quiet, give them no ſort of countenance; for they are a Diſeaſe, that having laid hold of any Perſon, never leaves him till it has neither left him at peace with any one, nor even himſelf.

In the private Affairs of your Family, be ſure that your Expences be leſs rather, than that they do exceed your income; for there are unforeſeen accidents that will find you occaſion enough for all that you can conveniently and with decency ſpare or lay up. If after ſome time of tryal you find that your Eſtate will bear more, you may mend your rate of living, when you cannot abate: For as you will find it very difficult to come down in your way of living, ſo you can ſcarcely avoid reproach in doing it. Some indeed may be of opinion, that they ought to be govern'd in the rule of their living by what others do of their Eſtate and Quality, and not by what they have, although thoſe they would imitate do out-live their Fortunes: But as every Man knows his own Condition better than the World can, ſo it is much more prudent and commendable for a Man to cut his Coat according to his Cloath, than to follow another that is out of the way, or to keep pace with a Man that is out of his Wits: And he that out-lives his Fortune becauſe another man does ſo, will find that the World will rather laugh him to ſcorn for his folly, than require any ſuch thing at his hands.

He that prodigally ſpends his Eſtate, will have many to help him forward, and but few that will commend him for it; and when it is gone, will have many to deſpiſe and contemn him, and but few that will pity or relieve him: And as Extravagancy is an Errour on the one hand, ſo is being Niggardly on the other. When a Man has not a heart in ſome meaſure to enjoy what he poſſeſſes, his abundance becomes a curſe to him, and Riches are given him to his hurt. And no Man is ſo poor,

as he that dares not uſe ſome proportion of what he has, and all this ſcraping is only to lay up for ſome Spendthrift; for uſually the next that comes throws it away as faſt as the other got it. And I can ſcarcely determine, whether it is a higher point of diſcretion for a Man rightly to proportion and meaſure his Expences, or elſe of folly extravagantly to ſquander away his Fortune.

Good *Houſe-keeping* is a thing that is highly praiſe-worthy, and the way to have yours ſo eſteemed, is to let your proviſions conſiſt rather in ſufficiency of that which is wholſome, than in little curiouſly dreſs'd diſhes, which won't ſuffice to fill your Servants bellies when you have done, and conſequently the poor muſt be ſent railing and curſing from your gates; for beſide the pleaſing your own appetite, all that you can propoſe to your ſelf by it, is to have an impudent reſort, and the hollow hearted complements of thoſe who by nice feeding have ſo depraved their appetites that they cannot reliſh any thing that has its natural taſte.

To have your meat well dreſt does well, for there is not much difference betwixt a wilful ſtroy, and to have a great deal of meat ſpoiled in the dreſſing: And therefore let not the want of a tolerable Cook give occaſion to have the proverb repeated, that *God ſends meat and the Devil Cooks.* To pinch your Servants bellies to make entertainments, is a piece of *grinning* honour; whether it be a Servant or Beaſt, if their food be ſcanty, they will labour accordingly: And without queſtion a Maſter is as much obliged to give his Servants their meat, and ſufficient of it in due ſeaſon, as the Servant is to do his Maſter good and faithful ſervice. If the *Iſraelites* were obliged to leave the gleanings

of

of their fields for the poor and ſtrangers, there lyes no leſs obligation upon us, according to our abilities, to make ſuch proviſion that the poor may not be ſent empty away from our doors. Now as the reproach of it will deter you from being cloſe handed with your meat and drink, ſo what you will be the better at the years end will give no great encouragement to ſuch ſort of frugality: for when the reckoning comes to be caſt up, there will be found very little difference betwixt a niggardly and competent way; for when Servants are pincht, they will be filching, and making all the ſtroy they can; and where they have ſufficient, they will ſave what they can, and prevent your loſs by others as much as in them lyes.

Let not your Servants be over-familiar, or haile fellow with you, neither keep them at too great a diſtance from you: for by allowing them too much familiarity they will quickly deſpiſe and neglect you, and conſequently grow ſawcy and careleſs, thinking that you are more obliged to them, than they are to you; they will expoſe you wherever you are, and at laſt be fit neither to ſerve you nor any one elſe. And on the other ſide, by keeping too ſtrict and aweful a hand over them, will produce no leſs ill effects; for it does ſo diſcourage them, that it altogether chills that reſpect and affection that a Servant uſually bears to his Maſter; and then all their duty will be turned into eye-ſervice, taking no other care, than how to get their work done at any rate, being not further concerned what becomes of it, or whether their Maſter and his affairs do ſink or ſwim; and if it lye in their way, will be as equally inclined to do him an ill as a good turn.

Now

Now by going the middle way, the inconveniences of both extreams are avoided. For by looking upon your Servants with a pleaſant countenance, and ſpeaking kindly, and ſometimes familiarly to them, and living with them eaſily and freely, you incourage them in their Duty, and gain upon their affection and eſteem, and make them as diligent and careful in your buſineſs, as if it were their own, and be as well pleaſed when it is well done as you your ſelf can be: For they will look upon themſelves to be intereſted and concerned in every thing that happens or belongs to you, and in perilous times will run any hazard to keep you out of danger; and the times cannot be ſo peaceable, nor any Perſon in ſo ſecure a condition, but before he dyes he may ſtand in need of the fidelity of his Servants.

Look not too narrowly into the leſſer faults of your Servants, and don't take notice of every ſmall errour; for that will only tend to render both you and they uneaſie. If any thing happen purely by accident, and not through negligence, be not angry, but calmly admoniſh them to be more circumſpect for the future. If you have occaſion to reprove any Servant, let it at firſt be in private, and calmly without paſſion, and as far as you can to convince him of his Sin: If after this he commits the like offence, reprove him more ſharply; and if he gives you further occaſion, then reprove him before the whole Family, for perhaps ſhame may work upon him when all other methods will prove ineffectual, and it may be prevent the like in ſome others of your Family. But how far you will ſuffer them before you turn them away, muſt be left to your own diſcretion; though

though for my own part I would bear a great deal before I would turn away a Servant; for to change them often, is neither profitable nor commendable; for the World is too apt to believe that the fault is rather in the Maſter, than the Servant, when they change their Servants often.

In the management of your buſineſs, do not depend too much upon the honeſty of any, and be as much in it your ſelf as you can: For no Man is too *great or good* to look after his Affairs, and he that in ſome meaſure does not, it is an argument either of his ignorance or folly; by either of which he muſt ſuffer, as well in the opinion of the World, as in his Fortune. And remember the old adage, That the Maſters eye makes the Horſe fat, which is as much as to ſay, that his inſpection makes his Servants to add to their diligence: They that are faithful, it will incourage them, becauſe you your ſelf can bear witneſs to their indeavours; and thoſe that are more remiſs, there is the greater occaſion to obſerve them.

In the management of your Eſtate take theſe Directions along with you. In the letting of your Demeans or other Farms, it being ſuppoſed you will get the beſt Rent you can, it ſeems adviſable to let them for Twenty One Years, and as often as you can to take a Fine of about a Years value, and then the Yearly Rent to abate proportionably to what the Fine and Intereſt of it will amount to at the end of the Term: For as by this you can be no looſer if your Rent be duely paid; ſo it is the moſt probable way to have it well paid, in regard that if your Tenant be behind with his Rent, if it be not above a Year, this Fine will ſet you right. In the next place, the payment of the Fine is a

ſtrong

ſtrong argument of the Ability of your Farmer; and beſides, a Rent that is leſs than the full worth of the Farm is better paid, than when it is at the utmoſt value. And farthermore by paying of a leſſer Rent, Farmers are incouraged to make improvements, whereby your Rent is not only better ſecured, but alſo at the expiration of their Leaſe the Farm is better for it.

In the next place, tye your Farmers to *Repairs*, for they will do that for Six pence, which they will ſet down to you at Eighteen Pence.

And becauſe plowing is the deſtruction of moſt Farms, bind out your Farmer from plowing either Meadow or any other ground that is not proper to be broke up. In the next place, let at leaſt one half of the reſt of the ground be imployed only in *Paſture*. Then oblige him to muck or manure at leaſt a third part as much as he plows every Year; and if he break up any ground that he has already muckt, then for the remainder of his Term that he muck every Year ſuch ground as he has already broken up; and by this means your Farm will be as good a pennyworth at the end of the Term, as when he took it. Beſides theſe general Rules, I can preſcribe you none, ſave to take good ſecurity for the performance of his Covenants, and to appoint ſome perſon to ſee whether he fail in any of them.

As for ſuch part of your Eſtate as is upon Leaſes for Lives or Years, my Opinion is, that if all of it were for Leaſes of Twenty One Years, it would be beſt both for Tenant and Landlord. Firſt, Becauſe it would put the Tenants upon ſome ſort of Induſtry, which is too much neglected by ſuch as have Leaſes for Lives. And 2. Becauſe the Landlord

lord would then be at a certainty, and accordingly he knew how to diſpoſe his Affairs. Therefore if you renew ſuch Leaſes as are upon Years, let it be again for Years; and if you leaſe any that fall out of Leaſe, let them alſo be for Twenty One Years.

Then as to renewing Leaſes for Lives; If one Life is to be added to Two yet remaining, take Two years value to do it, unleſs one or both of the remaining Lives be very Aged or Infirm, for then you may expect half, or a Years value more, as the caſe may fall out. If but one Life remain, and two more are to be added to it, then take five Years value, unleſs extream Age and Infirmity alter the caſe: For the changing of a Life take one Years value, unleſs the aforeſaid Objections lye in the way: But never change any Life ſave where there are three Lives in the Leaſe, neither add one Life when one only remains, unleſs upon an extraordinary conſideration. Now as to the value of a Tenement, my intention is what it is worth when your old Rent and Services are deducted; for if thoſe be not abated out of the value, you make your Tenants pay for what they have not; And 2. Your Treatment of them would be unequal, becauſe ſome are much higher rented than others, and an equal hand gives great content to Tenants.

Tenants may well afford to give theſe Rates, and grow Rich by their Landlord, becauſe they are under the worth of what they would take of a Stranger. And if the Tenants will keep their Leaſes full, Landlords may afford to take theſe Rates, though under the true value. And that you may as well feel the real advantage, as have

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the Reputation of ſuch an Eſtate as I hope by Gods Bleſſing to leave you; if any Tenement fall out of Leaſe, let it for the beſt improved Rent you can get: For as it happened through the negligence or perverſeneſs of the Tenant that the Tenement fell out of Leaſe; ſo neither Conſcience, Law, nor Equity can compel you to diſpoſe of it any other way than to you ſhall ſeem beſt: And without ſome ſuch hank as this, you will find your Tenants will never be prevailed upon to renew their Leaſes, but when their own convenience or neceſſity invites or compells them to it, although your Affairs are never ſo preſſing for Money.

Children are at firſt a blank paper, upon which you may write what you will; and therefore great care is to be taken of the firſt Impreſſion that is made upon them: For it is ſeldom ſeen but that much of it remains with them to their dying day; and *Solomon* is of this Opinion, for he ſays, *Train up a Child in the way wherein he ſhould go, and he will not forget it when he is old.* Therefore take care to poſſeſs them early with the fear of God, and a ſenſe of Religion: For if they are void of that, they will prove no better than pricks in your eyes, and thorns in your ſides, and conſequently bring down your gray hairs (if you attain to ſuch an Age) with ſorrow to the Grave.

Let their Education be ſuitable to their Quality, and what your Eſtate will bear, for thereby they may become a Comfort to you, and uſeful to others; and eſpecially your Sons, in whom (if it be not for want of underſtanding) the Publick claims a great Intereſt, by reaſon of their Quality and Fortune.

When

When the ordinary Schools have gone as far with them as they can, then either take a Tutour into your Houſe, or ſend them to Travel, to be poliſh't; but by no means ſend them to the Univerſity, unleſs you intend them for Divines or Phyſicians: For as it is great odds they will become *debaucht*, ſo all that they get there is a deal of *Pedantick Learning*, which is of no uſe to the Publick, and yet by means of it they grow ſtrangely confident, and impertinent and troubleſome in all places, and obſtinately opinionative, though never ſo much in the wrong.

Children are to be governed neither wholly by Love, nor altogether by Fear; for by a right temperature of both you may lead them which way you will. To be eaſie and familiar with them, winns upon and confirms their affection and duty, and to treat them with too much awe, and at too great a diſtance, is to loſe a great deal of the pleaſure and ſatisfaction that is to be had in Children; and yet care is to be taken, that before Company they may know their diſtance.

Give them liberty enough for *Recreations*, yet not ſo as to neglect their Studies: For as too much Liberty will occaſion them to mind nothing but Idleneſs, ſo too great a reſtraint will only prepare them to exceed all manner of bounds when they are their own Maſters.

Though it is Natural, as well as our Duty, to love our Children; yet it will behove you to be watchful over your ſelves, leſt by being overdoating or fond you forget to order and govern them as is meet. And it's not eaſie to determine, whether ſuch a doting fondneſs, or the want of Children is the greater unhappineſs. If we could believe

believe and remember, that we have no faſter a hold of all that we poſſeſs, but as lent us for an uncertain time, we ſhould uſe them more moderately, and conſequently part with them more eaſily, whenever it pleaſes God to call for any thing we have.

Every Man that has ſeveral Children, loves one more than another; and if God ſhall bleſs you with many, take good heed that they may not diſcover the partiality of your affection, for the conſequence of it will be fatal both to you and them.

To provide convenient Matches for your Daughters if you can, is without doubt your Duty, as alſo to give them good Portions, but not ſuch as will make your eldeſt Son uneaſie, for that is to give them more than comes to their Share; and if you do it out of a proſpect of advantage that may thereby accrue to your Family; yet if it be not certain, but only in probability, it is not adviſeable to do it: For your Daughter may forget the Stock from whence ſhe ſprang, and keep all to her ſelf; or her Husband upon Tryal may not like her, and ſo value her Family accordingly; or if he thinks you matcht her to him in hopes to make advantage by him, it will be natural for him to make it his buſineſs to diſappoint you. Now whether it be for theſe or any other reaſons, I know not; but I have obſerved, that giving a Daughter an extraordinary Portion out of that deſign, has hurt many more Families than it has advantaged.

In the matching of any of your Sons, but eſpecially your eldeſt, neither force, nor too much flatter him into the likeing of any, to whom his

own Inclinations don't in ſome meaſure prompt him: For an Errour in this is like one in the firſt concoction, which can never be repaired: For if there be any diſlike in the Perſons, or their affections otherwiſe ingaged before they are married, though their diſcretion may make them to carry fair to each other, yet it has been ſeldom ſeen that afterwards there was any warmth of affection between them.

A great Fortune is welcome to every Family; but he that only regards the plenty of Fortune, without conſidering the Woman, it is odds, but he is out in his reckoning: For if ſhe be not a Woman of competent diſcretion, he will fall ſhort in his account: In regard that if ſhe be highly born, ſhe will expect, and her Husband muſt have no quiet, unleſs ſhe be maintained according to her Quality, and the Fortune ſhe brought. If ſhe is of mean Parentage, yet her Wealth will make her to forget what ſhe was, and eſteem her ſelf according to her Portion and the Quality of her Husband, and as ſuch ſhe will expect to live: For being once on Horſe-back, ſhe will not know when it is time to alight, and ſo by her expencefulneſs leave her Husband no better than ſhe found him, if not worſe. And therefore a Woman of a *middle birth*, that is a Fortune is the moſt Eligible: For as her Birth will give no allay to your Blood, ſo in probability ſhe will more eaſily be perſwaded to a competent way of living, and verifie the true old Adage, That you are not ſo much to regard what a Wife brings, as what ſhe will ſave.

The beſt way of providing Annuities for your Younger Sons, is by letting of Tenements run out of Leaſe, which will not only be an eaſe, but ad-

vantage to your Eldeſt: For as by this you will not narrow his preſent Revenue, ſo in ſuch Tenements there will be but one Life; whereas there might probably have been two or three Lives apiece in them, had you renewed them as you did other Tenements.

Thus, my *dear Children*, I have finiſhed theſe my Inſtructions, which I have been able to write out of my own experience, and for that reaſon ought not to be ſlighted by you. I hope you will live long enough, not only to practice, but alſo to improve them; yet not by my dear bought experience, who have been a Man of trouble from my Childhood. Now whether it ſhall be by Gods Bleſſing upon theſe or any other Advice, may you get through this troubleſome World with Peace, and when you dye be received into *Abraham*'s Boſom, So prays

Your Dearly Affectionate Father

Delamer.

Dunham

September 20th. 1688.

AN ESSAY UPON GOVERNMENT.

THE various kinds of Government in the World are no leſs an Argument of Gods Wiſdom, than the many People and Languages that inhabit the Univerſe are an evidence of his Power, for had there been but one ſort of Government in the World, the Wiſdom of God had not therein been ſo manifeſt, ſince he that knows every road to ſuch a place, muſt be allowed to be ſo much more knowing in that particular, than he that is only acquainted with one of thoſe ways.

Gods Government of the World is amazing when ſeriouſly conſider'd: And the moſt admirable part of it, is to obſerve, that the whole conduct of that Affair is guided not by expreſs Rules and Methods immediately by him delivered to the ſeveral People and Nations; but they are inſtructed by the inſtinct of Nature to chooſe that which is moſt conducible to ſupport their ſeveral Conſtitutions: Except in ſuch Caſes when God in Judgment to a People hides from their eyes the things that belong to their peace:

Compare this Conſtitution in its proper Lineaments with other Governments, and this concluſion

sion will follow that we are the happiest people under the Sun, for when our breaches are repair'd, then may that of *Deuteronomy* the *4th.* be truely said of us. What Nation is there so great that hath Statutes and Judgments so righteous; which Government has as it were extracted the gold of all other constitutions, having avoided the two Extreams of Tyranny and an unbounded Liberty, no Government under the sun being so exact a piece of Symetry having so equally poized the prerogative and property that they are mutually assistant of each other, whereby the administration is renderd so very easie, he who sits at the helm having nothing more to do to make himself the happyest Prince in the World, than to maintain a good understanding betwixt himself and his People; and when that is wanting *England* is like a Ship that has lost her Rudder. This Correspondence is seldom broak, but by things that do apparently portend, an utter eradication of our Antient Land-Marks: As when through inadvertency or designedly any of our Neighbours are suffer'd to grow bigger than is consistent with the ballance of Christendom; though the effects of it are not soon felt, nor early foreseen but by discerning People: Yet the Nation has always declined to give any assistance in it, because they had no prospect of any advantage that would fall to their share; and in a little time it has given great cause of discontent, because they saw it did manifestly tend to break the ballance of the Government, and could be of no other use, than to serve the designs of a Prince who is desirous of Arbitrary Rule. But the dissatisfactions betwixt the King and the People, do not so usually proceed from this as from

from some other occasions, and more obvious at first sight. As when Parliaments are not suffer'd to meet and sit according to the usual times that the Law or necessity of Affairs do require: For the Government cannot long continue well when Parliaments are neglected, which is the only Physick to purge out those Peccant Humours, that are contracted by time or accident; and is as necessary to the well-being of it, as the Means usually made use of to preserve the good Estate of a Natural Body: And the disuse of Parliaments can no more be justified; than to have recourse to Force and Violence, when right may more easily and certainly be had by the usual methods of Law: Parliaments are the Medium, whereby the King is represented to the People in a true Light, and if it is wanting, it is no wonder, if he appear to them in a posture of Offence, rather than of Defence: For when Parliaments are discontinued that mutual Complacency is lost, which otherwise the constitution of the Government does naturally produce betwixt King and People. Changes seldom happen for the better, and therefore the People will not be much delighted with the discontinuance of Parliaments, because a more mild and equal way of governing has not yet been found out than what is prescribed by *Magna Charta*; and though in this Change of Government the advantage should fall on the Peoples side, yet they may suspect that there is Death in the Pot, till it has proved it self by its effects, because by how much the advantage is on their part, by so much must the Kings Inches be pared; and a desire to advance rather than restrain their Power, is an Infirmity to which Kings as well as other

Men

Men are ſubject: And thoſe Arbitrary Symptoms which ever do precede the laying aſide of Parliaments are no leſs than ſo many demonſtrations, that it muſt end in a Deſpotick Power. For there are ſeveral things which are only Cognizable in Parliament, and then this Dilemma will follow either that there muſt be a failer in Juſtice, or if any other Court or Authority do hold Juriſdiction of them, the whole proceeding would be Arbitrary, As for Example, The giving of Money, the Repeal of Old Laws, or Enacting of new Statutes, and the laſt reſort of Juſtice in Caſe of Appeals or Impeachments; for ſhould thoſe or any of them be treated of but in Parliament the Government would thereby become intirely Deſpotick.

When a King attempts to find out a new way of governing, its an undeniable Argument that he is weary of the Old one; and that King of *England* who is uneaſie with the Ancient way of governing will never be pleaſed with any, but what gives up all into his hands. When any King of *England* has try'd the Experiment he has found in the Iſſue, that he had better to have let it alone: For whenever he has Wreſtled with the People, has in the Concluſion got the fall, and often been cruſhed by it.

Then next to this like a younger Brother of the ſame ill Family, and bears the ſecond ill Character to the laying aſide of Parliaments, is when the Privy Council is turned into a Cabinet, the former being only kept up for a ſhew, and to give a Reputation to the Advices and Proceedings of the latter. A Cabinet Council may at firſt ſeem but a ſmall Evil, yet it conceives and brings forth many Ugly Conſequences:

ſequences: For it is ever the fore-runner of the neglect of Parliaments, which thing alone is ſufficient to give the People an utter diſlike of it. And beſides the King does hereby forbid all others but thoſe of the Cabinet either to come near him, or give him any Advice: For what incouragement has any other of the Privy Council to offer their Sence, conſidering that if it does not jump with that of the Cabinet, their Advice ſhall not only be rejected, but every thing that fell from them will be improved as much as it can bear to their diſadvantage; and therefore in a ſhort time they will as much undervalue the Attendance at the Council-Board, as the King does their Advice, unleſs they are more fond of the bare Name of a Privy Councillor, than they are of their Reputation; for what greater ſlight can be put upon Men of Senſe and Honour, than to be uſed only as a Foil to ſet off the Tranſactions of other Perſons not ſo deſerving and worthy as themſelves.

A Cabinet Council keeps the King in the dark, he can hear but one ſide, and that the wrong one too, for honeſt Men ſeldom come there, for if any ſuch thing be propoſed unto them, unleſs they are leſs Wiſe than Honeſt, Their Anſwer will be, That *in the multitude of Councillors is the King's ſafety:* When a King has entered a Cabinet Council, he'll hardly come out the ſame Man, his very Nature and Diſpoſition will be changed by the conſtant Converſe and Inſinuations of thoſe that he calls into that place, and ſo of a hopeful Succeſſor may become a very indifferent King. So great is the force of frequent and private Converſation.

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He was a Wiſe Man, who ſaid, That in governing the way as well as the end, ought to be clear. From whence no Argument can be rais'd for a Cabinet Council; the methods of that being obſcure and uncertain, and in no ſort conſiſtent with the honeſt and plain way of this or any other popular Government, for reaſon of State is not found in our Law Books or Statutes, and the *Arcana imperii* mentioned by ſuch as write of the Politicks are adapted for Governments where will rather than any known and certain Law is the meaſure of it; for though the King of *England* may be never ſo well appriz'd in the uſe of them, yet he is never ſo much out of his way as when he puts that knowledge into practice, and therefore plain and open Councils are the leaſt ſuſpected, beſt underſtood and approved; an honeſt man after he has told his Story, is not afraid to let any man elſe be heard, what he ſays is like true Mettal that will abide the touch. Whereas the Advice of Knaves, like Thieves or Beaſts of Prey lurks in holes, and ſhrouds it ſelf under the Darkneſs, is afraid to come near the Light becauſe it will not indure the day. And there is this further difference betwixt open and private advice, for the former ſeldom fails, and the latter as ſeldom meets with ſucceſs.

This cloſe way of giving and taking advice is ever attended with the Kings retiring from the ſight of his People, being ſeldom ſeen, and more difficult to be ſpoke with: For it is the Policy of ſuch as have him in their hands, to keep him as much as they can within their own Circle, becauſe it's the ſureſt way to maintain the ground they have got, and to gain what they want: But when a King thus hides himſelf, it is becauſe he is either well

aſhamed

ashamed or afraid to be seen; and when he is shy of being seen; the People in a short time will as little value the sight of him, as he is willing to expose himself to view: To be quick of dispatch and easie of access is the Character of a right States-Man, and no Prince ever lost ground by practising it himself, for the contrary Method ruines Friendship amongst private Persons, and a King will quickly find the ill Effects of it: It may be objected that familiarity breeds contempt; but that King is very ill skilled in Mediums, who is ignorant of the time and manner of receiving his Subjects, so as to dismiss them from his presence with content and satisfaction, without loosing that due distance that ought to be kept betwixt him and them: And the lowest condescentions and meanest familiarity cannot loose a Prince so much as too much retiredness, or being over-reserved. And this retiredness, like Twins born together, is usually attended with such a slowness in every thing that half the Effect is lost before they are put in Execution. As in bestowing Imployments or other Favours, the Party does for the most part attend so long, till thereby the thing receives so great an allay, and comes with so ill a Grace, that half the obligation is lost before it is given. And the delayrinels in all other Matters looses much of the advantage that might have been had by a quicker dispatch, and often creates a necessity to supply by a second Act what was lost by the delay in the first, and though at last the point may be gain'd, yet being forc't to do that at twice which might have bin done at once, is no great reputation to such Methods. Dispatch being the life of Execution as steddiness is of Council: And this

slow

ſlow progreſs is almoſt unavoidable; for theſe Perſons who have hemmed the King in, will not looſe the advantage that is to be had in diſpoſing of Imployments; they will keep the Candidates as long as they can in ſuſpence to ſee who will bid higheſt, whereas a greater diſpatch in the diſpoſing of them would be the loſs of ſeveral Viſions of Angels, which elſe they may hope to ſee, and much more haſte cannot well be expected in other things, by reaſon that the proceedings are in a new way, more uncertain and round about, and ſo very much depending upon every ſtep. Its no wonder if there be ſo much Caution and Jealouſie as to make the reſolutions and execution far ſlower, than if they had been managed in the Old Track.

What has bin ſaid does not argue againſt a due Care and Circumſpection, ſo as not to prevent all precipitancy, raſhneſs, or indiſcreet haſte, and yet the Caution, that goes further than ſo, is needleſs, and that which turns to the prejudice of it, is in no ſort to be juſtified: And though by an unuſual ſlowneſs a point may have bin gain'd, yet there is no more reaſon for the future to take that Method in other Caſes, than to make uſe of a deſperate remedy in all Caſes, becauſe it once had good ſucceſs, and there is as little reaſon to obſerve the ſame Rules and Methods in all Governments, for that Prince who does ſo, it argues his inſufficiency to govern. But the moſt fatal conſequence of a Cabinet Council is, that in a ſhort time it diſpoſes the King to be weary and uneaſie with Men of Intereſt and Deſert; their Room being more welcome to him than their Company, and then he lays hold on every occaſion to put ſlights upon them, and to ſhuffle them out of their Imployments

ployments for his Appetite being depraved by thoſe of the Cabinet, he cannot reliſh, thoſe wholeſome Advicee which the others think they are bound in duty to offer him; but when the King makes himſelf ſtrange to ſuch Men, the People won't believe that he has any good meaning to them: They may ſuſpect that their Properties are in danger, when thoſe that have bin the great Defenders of them are in no credit with him: No Man ever got the good Opinion of the Nation, till by the whole Courſe of his Actions he had made it evident, that he preferved the Publick good to his own private Advantage; and therefore if the King does account the Publick Good and his Intereſt to be the ſame thing, who ought he then ſo much to eſteem as thoſe who are in the good liking of the Nation, who ought he ſo much to incourage, or on whom ſo much to depend as they: For their Advice will be faithful, and he may be ſure as none are ſo able to ſerve him as they, ſo none will be more ready and forward: When he imploys none but ſuch as theſe, and values every Man according to the rate that the Nation ſets upon him; he then at once bows the hearts of all the People, as one Man; and thereby becomes as ſafe and great, both at home and abroad, as the Wiſdom, Blood and Treaſure of the Land can make him; it makes every Man believe that it is more his Intereſt to preſerve the Kings Life, than to ſecure his own, and that it is his duty to make the King eaſie in every reſpect, rather than to increaſe the Wealth and Proſperity of his own Family; that which uſed to be ſo tedious and uneaſie to other Kings, will be laid upon the ſhoulders of the whole Nation, for every Man will make it his buſineſs that

no detriment ſhall befal the Kings Affairs; Informations for Libels and Reflections upon the Government will then be uſeleſs, for neither his Name nor Adminiſtration, will never be mention'd but with all reſpect and beſeeming expreſſions, and thoſe hours which thoſe at Court uſed to ſpend in undermining each other, will be wholly imploy'd in his Service, and in ſhort he may be gratified in every thing that his heart can deſire: But if he lay ſuch Men aſide, then as Naturally as Corruption ſucceeds Death, their rooms muſt be ſupply'd by others, who have neither Intereſt, Principle, nor Morality, but are Compounded of Knave and Fool, the very Scum of the Land, and will do any thing without asking a queſtion, provided they be well paid, and the reſult of all their Advice will be to eſtrange his Heart from his People: But when the Nation ſhall perceive him to be thus encompaſſed, they will not be ſo prone to truſt him as to obſerve his proceedings, for under ſuch Circumſtances his aſpect muſt be very Malevolent, what good can be hoped for, when he accounts them the fitteſt to ſerve him, and the propereſt object of his favour, whom the People may juſtly repute their Enemies; but well may they be alarum'd, when ſuch are imploy'd as were obnoxious in the time of his Predeceſſor; for it's a certain argument either of the unskilfulneſs or foulneſs of a Gameſter, when he deſires to play with marked Cards, ſo neceſſary it is for Kings to conſider well who they imploy, becauſe the People Judge of the King according to the Complexion of thoſe that are about him. Wiſely therefore did *H.* IV. upon an addreſs of the Commons remove ſeveral Perſons that he was very tender of ſaying he did it not that he could accuſe

them

them of any thing, but becauſe the People had an ill Opinion of them, for he knew that they were competent Judges in the caſe. And as Politick was it of *H.* VIII. to give up *Empſon* and *Dudley* to Juſtice, who might have done as much for him as they had done for his Father, but he conſidered that to part with the hearts of the People for all the Wealth they could procure him would be a very ill bargain, for he underſtood he might command all that was his Subjects, ſo long as he and they were upon good terms, and that King is not much diſpoſed to be well with his People; when he is fond of a few Men, who cannot pretend to any great merit, But when the King ſhall once in good earneſt take Men of dependance by the hand, he'll quickly find himſelf alone with them: For all Men of worth and honour will of their own accord be as forward to quit their Imployments, as he is willing to put them out; becauſe the tenderneſs that they have for their reputations will not allow them to mingle with worſer men than themſelves, and the rather becauſe it would give countenance to the irregular and diſobliging Methods which may be adviſed to by the other ſort of men; And for this they will not be the worſe thought on by their Country, but like Gold ten times purified; they return home with all the advantage that can be, and thoſe who honoured them before, will then fall down and worſhip them; no Man ever has loſt the eſteem he had got with the People; for being turn'd out at Court, it being a great miſtake that any Man will be leſſen'd in the Opinion of the Nation by being turn'd out of his Imployment either becauſe he gave bold Advice, or would not comply againſt his Judgment, or elſe

by

by quitting of his place rather than by ſtaying to give a countenance to other Mens proceedings, for in ſuch Caſes the King ſuffers more in the good Opinion of the People than the Perſon whom he diſmiſs'd from his ſervice; and in what a miſerable condition is that King who has loſt the hearts of his People, for nothing on Earth can repair it or be an equivalent; and how ſhall he recover their affections, when honeſt Men are fled from him, and none are left near him but ſuch as whoſe intereſt it is to keep him at a diſtance from his People: And though he may return to a right mind, and pretend and promiſe never ſo fair, yet the Nation and every honeſt and wiſe Man will be Jealous, that every advance he makes is only a Maſque or Diſguiſe that he puts on, and not that his heart is right in the matter.

Now when ill Men are imploy'd and advanced as well as others; The pretence is either becauſe of their great abilities or uſefulneſs, or elſe that in point of Policy it is convenient to make uſe of all men without diſtinction; for this indulgence will allay heats, and put an end to differences, and unite all into the ſame intereſt, whereas if any are left out, they are thereby cut off from the Common Intereſt, and only thoſe ſort of Men can be depended on, who are thus favoured and imploy'd: This will not bear ſo much weight as at firſt ſight it ſeems to carry.

Ability or fitneſs is the firſt ſtep to preferment, and that is a happy Government that conſiders it in Perſons before they are imploy'd, but let Men be never ſo able, yet if they are defective in integrity, the *unum neceſſarium* is wanting, for a Man of Ability without Honeſty is like a Ship without

out ballaſt, he cannot move ſteddily, every little wind of advantage carries him to and fro, backwards and forwards, and he never ſticks at any point longer than he can ſerve himſelf by it: If there can ever be a neceſſity of making uſe of an ill Man, it muſt be becauſe his knowledge tranſcends the reſt of Mankind, or elſe becauſe another wiſe Man cannot be found; but *England* was never yet ſo barren of able men, that there was a neceſſity of imploying Knaves or Men obnoxious; whenever the Nation falls under ſuch Circumſtances it is then viſited with a ſore Judgment: To make uſe of Knaves is ever a remedy worſe than the Diſeaſe; ſeldom any good, but frequently a great deal of miſchief enſues upon it, and the Ability of any Perſon if he be a Knave is rather an Argument to avoid than imploy him; becauſe by how much the more able he is, by ſo much is he capable of doing the greater miſchief: To allay heats and animoſities, to put an end to future differences, and to unite all Parties, is an excellent deſign, and a great happyneſs if it could be effected: But withall care is to be taken that whileſt one ſtorm is laying, a greater is not thereby raiſed, and whileſt in the conjuring down of one Devil, it does not raiſe two, and in the making up of Diviſions worſer are created thereby; and by gaining one Enemy Twenty Friends are loſt, and nothing ſeems to lead ſo directly to it, as equally and without diſtinction to imploy men of all ſorts and Opinions, and there is another Method that will give leſs cauſe of diſcontent to any Party: For it will be agreed, That to pardon a Criminal is as great an act of goodneſs, as to reward the good Service of another Perſon. If all have equal Right, and ſpeedy

Juſtice

Juſtice impartially be done to every Man, this muſt be confeſſed to be a Righteous Government, and if it be not too extream to mark what is done amiſs, nor too ſtrickt to meaſure every Offender a Peck out of his own Sack, nor too rigidly to judge every Man according to his own Law, this muſt be allow'd to be a merciful Government, and if at the ſame time the King beſtows his favours and imployments only on ſuch as beſt deſerve them; where is the injuſtice or partiality of this proceeding, or who can juſtly take offence at any part of it? And therefore when a King does equally and without diſtinction beſtow his Favours and Imployments on all Intereſts and Parties, there ought to be three things in the caſe; Firſt, That all Parties are equal. Secondly, That he cannot depend upon one more than another. Thirdly, That his Obligations to all Parties are equal: Every one of which is very ſtrange when it is ſo, but much more wonderful will it be when they all happen together.

For as to the firſt, It is not eaſie to imagine that all Parties will ever be ſo equal, ſo as that no one will be bigger than any of the reſt, no more than it can be ſuppoſed that all Men will ever have an equal meaſure of underſtanding; uninterrupted experience proves that it never was ſo, and there is nothing to induce us to believe that it ever will be ſo: For ſo long as there are either Fools or Knaves, there will be difference in the ſize and ſtrength of Parties, and there will be Fools and Knaves till Chriſts Kingdom comes.

As to the ſecond it may be ſaid, That it will be a very extraordinary juncture, whenever it happens that the King cannot depend upon one Party

more than upon another, ſince the reaſon of it will be this, becauſe the Principles of every party will be equally dangerous or advantagious to the King, or equally different or agreeable to his, this is a remote ſuppoſition, and cannot be expected on this ſide the Grave, and therefore it will follow, that he cannot have a like confidence of all Parties, but muſt depend upon ſome more than upon others, and this dependance will naturally fix it ſelf, either on them whoſe Principle it is to ſupport the common good, or elſe on ſuch as are more diſpoſed to comply with his Will and Pleaſure: For Principle is the great Director of all Mans Actions, and every Man is either better or worſe eſteemed according to the Opinion that the World has of his Principles: In the worſt and moſt corrupt of times, there has not wanted ſuch as have been more ſolicitous about the well-fair of their Country, than for themſelves, and if a King does not ſo much depend upon thoſe that by the current of their Actions have made it evident, they prefer the Publick Good to their own private Advantage, as upon ſome other ſort of Men, it's as clear as the Sun that he aims at ſomething beſide the Publick Weal, or elſe that God has a quarrel to him, and will not let him ſee his Intereſt. For what greater pledge can be given of a Mans Integrity, than when voluntarily, and without Compulſion he dedicates himſelf, and all that he has to the Publick ſervice, any other ſecurity being inconſiderable in compariſon of it: And therefore when a King knows ſuch Men, and yet imploys others rather than they, it's a clear Demonſtration that his Deſigns and Affections are alienated from the

good

good of his People, and the Land is then in as ill a condition as when their King is a Child.

As to the third it will be no leſs extraordinary to ſee the King under equal Obligations to all Parties, for it can only be for this reaſon, becauſe every Party ſhall have approved themſelves equally ſerviceable or uſeleſs, faithful or negligent, ſteddy or inconſtant, to him, which would be very wonderful, though he dropt out of the Skies, becauſe there are ſo very many occaſions in which a King needs the ſervice of his People, that if one Party acquit themſelves better than others, he will in a little time find who deſerves beſt, and it will be ſo plain and obvious that he muſt ſee it, unleſs he be very unfortunate: And till all Men have the ſame Complexion, are of the ſame Stature and proportion of Body and Temper of Mind, there will be diſtinctions of Men and Parties; and therefore it will be the moſt remarkable thing that ever happen'd, that notwithſtanding their differences in other matters, yet they ſhould all concur to have the ſame Principle and Inclination to the King and Government. But that Prince is very unfortunate, who cannot depend upon one Party more than another, nor has obligations to one more than another, ſince it is an ill effect of a bad cauſe; For the reaſon wherefore he cannot depend upon one more than another, is becauſe he has uſed and treated all alike: And this Method as it will never make his Enemies to become his Friends, ſo in a ſhort time it will make his Friends ſo cold and indifferent towards him, that they will ſerve him at the rate that others do, and hereby his Obligations won't be greater to one more than to another. So the Service that is done him will not be the

effect of Duty and Affection, but only according to the rate that he pays them. But when a King cannot depend upon one more than another, and is under equal obligations to all the moſt uſual and trueſt reaſon of all is, becauſe he has ſo far diſoblig'd all Parties that he has more cauſe to be afraid of than to truſt any of them; therefore till Men are of the ſame mind in every thing elſe; it cannot be expected that theſe things, or any of them can ever happen: If then ſhould a King act as if they were, and the Caſe prove to be otherwiſe, the conſequence of it, would be fatal to him: For though it may be objected, that by a diſtribution of his favours and imployments equally on all Parties, he thereby gives incouragement to all to ſtand by him, and makes none deſperate, yet on the other hand, he thereby makes every Party Jealous of him, and none to truſt him: For when he inlarges his hand to any Party, it is to the regret and envy of the reſt that were not then alſo conſider'd, which he cannot repair but by conferring greater things on them, and then this turns to the diſſatisfaction of the other Party as much as if nothing had been done for them. So that thence it will follow, that when ever his bounty moves, every one muſt have a ſhare, for if any Party is omitted, he will loſe more on one hand than he gains on the other; and what Prince ever found that his bounty turn'd to account where the Perſons that were the objects of it, had not ſomething of affection or duty for him, becauſe all that he can do in that way will ingage them no longer than till they can make a better bargain, or could he winn them by it, yet the caſe of that Prince is much to be lamented who has none to depend on, but

but ſuch as he has gained by his liberality; But could he gain any by ſuch a Method which is very uncertain, yet for one that he ſo makes his Friend he thereby looſes a hundred who are ſuch upon principle, and that Prince gives himſelf very little leaſure to think, who does not know that one who is a Friend upon Principle is worth many who are made ſuch by bounty, preferments may be out-bid, but Principles are permanent: Every Prince will find himſelf out in his reckoning, when he perceives what conſtruction the People do put upon ſuch a Method, for they will be apt to conclude, That it is the effect of Fear, want of underſtanding, or that his heart is not right towards them, and its a dangerous thing to ſuffer ſuch Notions to get into their heads, it being very difficult to remove them if once they are fixt there. Thoſe that wiſht him well will grow cold and indifferent towards him, when they find that others who don't deſerve it are treated as well as themſelves, and it will diſcourage the honeſt endeavours of others for the future, when neither they nor the Nation is much the better for their ſervice, and at laſt they will deſpiſe him; and ſuch as had no great good will for him will be ſure to follow their blow as ſoon as they find his blind ſide, and improve to their utmoſt advantage, though to the ruine of him and the Nation; all Parties will ſlight him, undervalue all his Actions, put the worſt conſtruction upon every thing, and aſcribe to chance whatever is well done. When obnoxious Men are made uſe of, it is too evident a ſign that the ſame work is to be done, becauſe the ſame Tools come into play, and hereby the King in a great meaſure becomes *Particeps criminis* of former ill councels and pra-

ctiſes, in allowing ſuch to ſuck the fat of the Government who ought to be ſqueazed if not cruſhed to ſatisfie and vindicate the publick Juſtice, and then well may ſuch wipe their mouths and ſay, What evil have I done, when in ſtead of anſwering at the Bar, their Treatment is more like a Reward for what they have done, and thereby they are confirmed in their Wickedneſs, and all honeſt and deſerving Men diſcouraged. When a King calls ſuch Perſons near him as ought for ever to be baniſht his preſence, every Man elſe that is more deſerving will withdraw themſelves, becauſe not conſiſtant with their Honour to herd with any who are unworthy the places they hold, and ſo in a ſhort time the King will be left deſtitute of Council or any to defend him, and expoſed to his Enemies both at home and abroad, and his own People ſo prepared, (that when any fair occaſion offers it ſelf) to cry out, *Nolumus hunc regnare*, and thereby from a Potent King may become a Nominal Prince and no more.

Upon the whole matter then: May not that Prince be judged to be born under an untoward Conſtellation, who goes out of his way when it lyes ſo open and directly before him, or that ſplits upon a Rock, which he may more eaſily avoid than fall upon it: For that which is neceſſary to make him as happy as a King can be, is not more difficult than what was required of the *Syrian* General to cure his Leproſie, the one was bid to waſh and be clean, and the other to keep fair with his People; and what they deſire is reaſonable and juſt in relation to themſelves, and honourable and ſafe for him, and is the thing in the World

World that can add moſt to the Excellency of His Majeſty, and the Might of His Power.

When a Prince miſtakes his way for want of experience or a true repreſentation of the State of Affairs, this is an Error on the right hand, and there remains hopes of his return, but when it proceeds from his own inclinations, and it is the dictates of his own breaſt, then it is an evil that threatens the Land during his life, becauſe nothing but ſome very preſſing neceſſity can make him alter his courſe: How great a Bleſſing or a Burden then is a King to the Land, and how ought a good one to be valued, and a bad one to be dreaded, ſince there is no Medium betwixt thoſe two; and ſince ſo much of the good or evil depends upon the advices that are given him, how careful does it behove him to be in the choice of his Council, and then how highly ought he and the Nation to value ſuch, who ſet light by any Imployment when it ſtands in Competition with their Duty.

That King then who is inform'd of and ſees his miſtake and does not rectifie it, will leave no good Character behind him, but he that finds he is out of his way, and returns to the right path is both Wiſe and Juſt, and he that always keeps in the right road is a fortunate Prince.

But to ſay that his adminiſtration was unblameable, and yet from the firſt reſolved that if he did ſlip aſide, he could not ſooner diſcover his Error, than he would ſet things to right, is the greateſt Character of a King.

REASONS *why* King JAMES *Ran away from* Salisbury; *In a Letter to a Friend.*

SIR,

ACcording to my promiſe, when we were laſt together, I ſend you my further thoughts upon what we then diſcourſed.

The firſt thing (as I remember) that we had under our conſideration, was an Inquiry into the true and real cauſe of King *James*'s running away from *Salisbury*.

I then was and am ſtill of opinion, that he was acted by Fear more than by any thing elſe, from the firſt Notice that he had of the Prince of *Orange* his deſign to the Moment that he got into *France*; Nothing but fear could make him neglect what is ſo expedient upon ſuch occaſions. That is to clap up every Man of Quality or Intereſt that he ſuſpected; but he was ſo far from laying hold of any man, that he courted and even humbled himſelf to thoſe very people whom before he would not admit into his preſence, and with ſo much abjectedneſs made an offer of their Charter and Franchiſes to the City of *London* and other Corporations.

What elſe but Fear could put him upon ſo unpolitick a thing, as to ſend for ſo very many *Iriſh*? For

For not to insist upon their insufficiency to help him at a dead lift, had he consulted his reason, he must have foreseen the discontents and divisions that it would create in his *English* Forces; for it shewed that he reposed a confidence in the *Irish*, even to a distrust in the fidelity and sufficiency of the rest of his Army, and a distrust at any time, much more at that would be felt very sensibly, though toucht never so lightly; and therefore if he could not be confident of his Army before, he might expect that this would dispose them to a Revolt upon the first occasion that they should meet with: Could any thing but Fear dispose him to those methods which he took to oppose the Prince at his first landing? For as upon a Fright all the Blood retires to the Heart; so he drew all his Army together, and reckoned himself so much the safer, by how much less distance any part of his Forces were from him, thereby neglecting the advantage that he had against the Prince of *Orange*, whom he was certain must land either in the West or North, and eight or ten thousand men sent down to each of those places to receive him at his landing, might either have destroyed his Army, or else have broke it so much, that a small supply of Fresh men in a few days would have made an end of that Matter, if withal he had dispersed a few of his Forces conveniently up and down the rest of *England*, which would either have wholly prevented, or hindred any considerable Assistance from coming into the Prince; for the Nation had been rid so long, that little of the old *English* Spirit was left, and most who declared for the Prince of *Orange* proceeded with so much caution, that they shewed more Cunning than Courage, as I will

shew

were never eſteemed very famous for Land ſervice, though they behave themſelves very well at Sea. King *James* was not ignorant of any part of this, And on the other hand, his Army was in great health, and alwayes well paid, and in Number much Superiour to the Princes Forces, by reaſon of which, in probability, it muſt have neceſſitated the Prince to get four or five Victories, before he could ſecure the Matter, and had loſt all his labour, if King *James* got the better in any one Battle. King *James* knew he had in his Army of old diſciplined Troops, *Papiſts* and biggoted *Tories*, who in number equalled if not exceeded the Princes Forces, and would have found them, or any ſuch Body of Men, work enough upon more equal terms; He very well knew that *Engliſhmen* ſeldom turn their backs, and will go as far as their Officers will lead them; He had a great number of *Papiſts* in his Army, and was ſenſible that they thought it to be their Intereſt to fight, by reaſon that their all lay at ſtake, and conſidering how their *Prieſts* would puſh them on to fight it to the laſt man, he might confidently expect if they were ingaged, they would ſell their Lives at a dear rate, rather than looſe the day: He knew he exceeded the Prince either in Horſe or Foot, even as to the number or goodneſs of Horſe, in which the ſtrength of the Princes Army conſiſted; And though it may be Objected, That the Prince had with him the greateſt General of the World, and a great number of good Officers, and that his were old Troops, and had been in Service; yet the beſt Officers could not make them more than they were, nor put them into a better condition; It muſt alſo be conſidered, that King *James* had a great many

Men

Men that had been in Service; and new ones mixt with them, would together do as good Service, as if they had all been old Souldiers; and beſides, their *all* then lying at ſtake, would be ſure to make them perform what could be expected from Men, deſpair often anſwering to numbers and the greateſt conduct. So that the thought of the Princes Forces could not be the only thing that ſent King *James* away in ſuch haſte from *Salisbury*: For even the Prince though he thought as well of his Men, as he could do of ſuch a Number, yet he did not think them ſufficient without other aſſiſtance to ingage King *James* his Army, and therefore when he ſaw ſo very few to reſort to him after he had been ten or fourteen days on ſhore, he began to look towards his Ships, and had certainly gone away if the Scene had not changed very much in four or five days. This therefore makes it pretty plain, that the Princes Forces was not ſo very much the occaſion of putting King *James* into ſo great a Fright as ſomething elſe: And therefore in the next place we conſidered, how far the deſertion in his Army might contribute to it.

Never had any Prince in his Army ſo many Men whom he had perſonally obliged, as King *James* had in his; for whileſt he was Duke of *York*, he was induſtrious to gain People of all Qualities, and what he did for any body as well whileſt he was Duke of *York*, as when he was King, was with ſo much diſpatch and ſo good a grace, that his Favours carried with them a double obligation, whereby he got the Character of a ſteddy Friend, though other things gave him that of an irreconcilable Enemy; and there was in his Army a vaſt number, whom he had befriended to a great degree,

whom

whom no Overture could have prevailed with to have deſerted him, if they had had any ſort of gratitude, or ſence of Honour: And no doubt it was a great ſurprize upon him, when he found himſelf left in the lurch by them, who in the opinion of the world, could have no other intereſt than to ſtand by him to the laſt with all they had; and it muſt touch him very ſenſibly, conſidering that the Revolt of a ſmall part of any Army creates a great diſorder in the reſt, and often proves fatal, becauſe they are in effect double to the number of any other that come into the aſſiſtance of that Side, and renders all they leave behind them ſuſpected by their General; and therefore the Matter being thus ſingly conſidered, this may ſeem to preſs King *James* more than any thing elſe. But on the other hand it muſt be granted, that it was quickly diſcover'd how far this Contagion was ſpread in the Army: For it was preſently underſtood, to have infected the Officers rather than the Common Souldiers, by which King *James* was no leſs deceived than the Prince of *Orange* abuſed; for all thoſe Officers that had promiſed the Prince, did withal aſſure him, that they had conſerted the thing with the Men under their Command, but it proved quite otherwiſe, as is evident by that one Inſtance of *Langſton* when he went over to the Prince, which made the greateſt noiſe of any other Revolt in the Army, and was in effect more than was done by any body elſe, and deſerves more than all the reſt that was done by the Army; yet moſt of my Lord *Cornbury*'s Dragoons, and all my Lord *Oxford*'s Regiment, ſave two Men, came back to King *James*, and made their way with their Swords; And even *Langſtons*

Men

Men when they came within the Princes Guards cry'd out they were betray'd, and though they ſtayed, yet it was rather as Priſoners than Friends, till by the Largeſs of a Months Pay they were brought to be of another opinion; Whereby the Prince was no leſs diſappointed in the Inclinations of the Souldiers, than King *James* was deceived in the Fidelity of his Officers: So that the diſadvantage was equal to the King and Prince, and their Meaſures alike broke.

But if all my Lord *Cornbury*'s Dragoons, and every Man in my Lord *Oxford*'s Regiment had gone over, and they as well as *Langſton*'s Men had been as willing to ſtay as the Prince was to receive them, and let the worſt happen that could; yet he knew two thirds of his Army would ſtand by him as long as he would ſtay with them, becauſe it was their Intereſt to try the chance of War, rather than tamely yeild the Cudgels, by reaſon they could expect very little reſt for the ſoles of their feet, if they could not drive the Prince of *Orange* out of *England*, and there would be no tolerable *Mediùm* betwixt Death and Victory, and therefore if they loſt the day, they would make the Victory coſt the Prince very dear.

King *James* could not long be deceived in the number of ſuch as Revolted, for tho' Report might multiply them, yet in a few hours he could know the certainty of it: but till he ran away, there was not two thouſand that had gone over to the Prince of *Orange*. And therefore theſe things duly conſidered, it muſt be ſomething of greater moment than the deſertion in his Army that ſtruck ſuch a damp upon his Spirits.

There-

Therefore we did examine (as you may remember) how far the declaration of the Nobility and Gentry for the Prince of *Orange* effected the Caſe.

Many things ſeem at a diſtance to be greater than they are, and the noiſe it makes is open more than the thing it ſelf: And without queſtion it was no pleaſant Muſick to King *James* when he heard of any that had declared for the Prince of *Orange*, and the opener it was repeated the worſe he liked it; for fame would cry it up to be more than it was, and how much further ſuch News was carried, by ſo much would the number be ſwelled of ſuch as declared for the Prince; for every 20 Miles would add a Cypher to the Number, Stories ſeldom looſe in the telling, and thoſe much leſs than any others, and is always helped on by ſuch as are Spectators on ſuch Occaſions, who are not very Curious to take the Numbers exactly, for their Fear or Affection makes them magnifie the thing far beyond what it is; So that it's no wonder if People at a diſtance give ſo much credit to it.

But that we might underſtand where the ſtreſs of this Matter lay, you may remember we did diſtinguiſh betwixt ſuch as declared for the Prince, and remained upon the place, and ſuch as moved to Joyne the Prince as ſoon as they could get up to him: for though each of them to a great degree did very Conſiderable Service, yet they differ very much in their Circumſtances.

Thoſe who declared for the Prince, and ſtirred not out of the Country, did notwithſtanding very good Service, and Merit very much for it; For it muſt be very mortifying to King *James* (whoſe Fear had ſo much maſtered his Reaſon) to hear when

when any place had declared for the Prince, and the rather becauſe that he who had thought of Nothing more than to ride the Nation whip and ſpur, ſhould not only be thrown out of the Saddle, but be kickt at as he was falling, and to ſee thoſe People lift up their Heels againſt him, upon whoſe Necks he thought he did tread; Nay to find himſelf oppoſed by many of thoſe very People, who by their Addreſſes, and baſe Compliances, had helped him to bridle and ſaddle the Nation. He that ſtarted at Shaddows, and was terrified at every Noiſe, muſt be confounded at the News that in ſuch a place they had declared for the Prince, and being done but in one place, would paſs for the unanimous Conſent of the whole Country, who in a vaſt Body well arm'd and provided, were marching againſt him, and would be repreſented with all poſſible advantage, and more than with truth it could bear: But this would not be all; for his fear would remind him, that misfortunes never go ſingle, and therefore this was only the beginning of Sorrow, and that *Job*'s Meſſengers were on the way to bring him more and heavier Tydings than this; That this was the breaking out of a Plague that had infected the whole Nation, and being deſtitute of any Oblation to make Attonement, he might quickly expect to hear he was beſet on Every ſide.

But after all this it muſt be confeſſed, on the other hand, that what they did ſeemed much greater at firſt ſight, than it would appear upon a ſecond examination, and would neither ſtrike ſuch a Terrour on King *James*, nor give that incouragement to their Friends as it ſeemed to promiſe; For by lying ſtill they gave King *James* the opportunity

to know their Strength as well as to their Numbers, as how they were provided with Arms and other Neceſſaries for the Service; and when upon further enquiry he found they were not ſo formidable as at firſt reported, it would naturally incline him to give the leſs credit, and be leſs affected with Reports that came from other Parts, and conſequently if he had any life left in him, rouſe up his Spirits and take freſh heart.

Beſides by not moving they did too much diſcover their fear, both to their Friends and Enemies, and at beſt hand ſhewed they were rather on the defenſive than offenſive part; for it lookt more like Parlying than a Reſolution to fight, and to receive Termes, rather than to give them, and that they expected to be relieved by the Prince, rather than that he might hope for any aſſiſtance from them: for in the North, where the greateſt Show was made of any place ſo remote from the Princes Landing, and the ſecuring of *York* was the greateſt of their Atchievements, their Courage did not out-run their Diſcretion; for they did not adventure to name the Prince of *Orange*, but pretended the contrary to the Duke of *Newcaſtle*, and uſed as much Artifice to delude him as if it had been of the higheſt conſequence to ſecure him, though he was attended by none but thoſe of his own Family; And there was as much preparation and conſulting in order to ſurprize *York*, as if it had been the moſt conſiderable Garriſon in *England*, though kept only by twenty Men, and they as ready to yeild and declare for the Prince as they could have wiſht: And when they were poſſeſt of the Town, they ſet ſtrict Guards at every place, and ſuffered none to go out or come in, till they were

were ſatisfied with their buſineſs, and were as wary as if a conſiderable Force had been ready to ſit down before the place: And with the like Steps they moved at *Notingham*, and other places: And though no doubt they ingaged in the buſineſs with a great deal of Zeal and Reſolution, yet the Declaration of the cauſe of their Aſſembling, was penn'd with great caution, perhaps as a conſiderable Man amongſt them ſaid, to keep themſelves within the Statute; for their Declaration, neither charged King *James* with Male Adminiſtration, nor complained of the danger we were in, but the Sum of it was to joyn with the Prince of *Orange* in declaring for a *Free Parliament*: Whereby they put it into King *James* his power to oblige them to put up their Swords as ſoon as he pleaſed; for when ever he iſſued out his Proclamation for a *Free Parliament*, they were bound in Honour to lay down their Arms: And then what very great Service can they boaſt of who could hold their Swords in their hand no longer than King *James* pleaſed? And though they may pretend to Merit highly, yet not to the degree with thoſe who moved forward to Joyn the Princes Army: For by their Motion they prevented King *James* from having a true Account of their Numbers, and as they would daily increaſe, ſo every Account he had of them would make them ſtill more conſiderable. They ſhewed thereby, that they were reſolved not to look back, but would either conquer or dye. They did not mince the Matter, but ſpoke plain Engliſh of King *James*, and of our Condition, and thereby animated the Country as they Marcht, and made all ſure behind them, ſo that the further they Marcht the greater Service

they did, for 500 Men thus moving would in a ſhort time occaſion 40000 to riſe in Arms; whereby in a few days they would not only be reported, but in effect be ſo conſiderable and formidable as to ſupport the Cauſe they had eſpouſed, and either reduce King *James* to Meaſures, or drive him out of the Kingdom: So that this ſeems to be the great thing that ſo aſtoniſhed King *James*, and put him to his Wits end. For as to the Princes Forces, their Number was not valuable, and if preſſed very hard would not too obſtinately ſtand it out, becauſe it was evident they had a Retreat in their thoughts, and accordingly had provided for it. The deſertion in his Army he could not much regard, becauſe it did not amount to 2000 Men, till he ran away: But as to thoſe who intended to Joyn with the Prince of *Orange* his Army; he would with dread behold the Storm coming upon him, for he might obſerve the Cloud no bigger at firſt than a Mans hand, increaſed ſo faſt, that it would quickly over ſpread the whole Heavens, and prove ſo great a weight, that it would bear down all before it; for their Numbers would quickly ſwell very high, and it could not be foreſeen, where and at what degree they would ſtop: He might plainly ſee, that they had thrown away the Scabbard, and contemned the thoughts of asking quarter; for as they could never hope for another opportunity to recover their Liberties if they failed in this, ſo they very well knew the inexorable temper of King *James*, that it would be to no great purpoſe to ſue for his Mercy; whereby being made deſpera'e, and abetted moreover by the whole Nation; he muſt expect the utmoſt that could be done by the united Vigour of Courage

Courage, Revenge, the Recovery of Liberty, and Deſpair, all which would make up too ſtrong a Compoſition for King *James* his tender Stomach, and turn his thoughts from fighting, to contrive the beſt way to ſave his Life; and this was the Storm that drove him away from *Salisbury*.

Observations upon the Attainder *of the Late Duke of* Monmouth.

THAT which is done by King, Lords and Commons is so Sacred as not to be called in question by any power on Earth, and what they do is so very good, that the Wit of Man cannot devise any constitution that can proceed with more Justice, or be less subject to err than they when rightly in Conjunction: And therefore whoever he be that proposes to have any of their Acts reviewed must take care to set his words in great order, by reason that that which in an Inferiour Court might be called error will scarcely indure the soft name of a mistake, if done by King, Lords and Commons: But however it does appear that they have reconsider'd what they have done, and thereupon have many times found that they might do better than to adhere to their first resolve, especially in cases of Bills of Attainder, which for the most part have rather been expedient than that the strict Rules of Justice were pursued, and though in so doing their wrath did seem to burn very hot, yet in effect for little more than a moment, and even to end with the blow that struck off the Criminals Head; for upon the Petition of his Heir, his Blood has seldom been deny'd to be restored, and this proceeds from the great humanity of this Government. The Law of *England* being a Law of Mercy, does in many Cases appoint a grievous punishment,

puniſhment, rather *in Terrorem* than that the penalty ſhould be rigorouſly exacted; for which reaſon it is that ſo few Attainders are now in force; If then thoſe Caſes have met with ſo much compaſſion, the Caſe of the Duke of *Monmouth* may well hope for the like favour, ſince there is not any argument for the reverſing of any other Attainder, that cannot be urg'd with as great force in the caſe of the Duke, and beſides there is no preſident of the like caſe to be found, and whileſt it remains in force is of dangerous Conſequence.

The Law is ſo very careful to do right in every caſe, that it will not allow that any Man be judg'd without being heard, or at leaſt that a convenient time be allotted him for it, if he think fit to appear; and it does alſo require that the fact be fully and ſufficiently proved, without both of which no Man can be convicted of any offence in the ordinary courſe of Juſtice, and this is and has ever been reputed the undoubted Right and Priviledge of every Subject of *England*; and theſe things are ſo much of the eſſence of Juſtice, that by how much they are infring'd and invaded, by ſo much the Juſtice of *England* is the leſs able to ſtand and ſubſiſt.

Now in the caſe of the Duke of *Monmouth*, theſe were not only diſpenſed with, but the uſual Method of proceeding upon Bills in Parliament was not obſerv'd, for in one and the ſame day, that Bill of Attainder was begun and paſſed both Houſes. That the Duke of *Monmouth*. was then Landed and in Arms was currant News at that time, and believed by every Body: But the queſtion is, whether the Two Houſes of Parliament were infor-

med of it in due manner, and with the circumſtances of Legal Evidence; for it's a very different and quite another thing both as to form and ſubſtance, what may ſatisfie a Man in his private Judgment, and what is ſufficient to guide and convince him in point of Law and Juſtice, ſince that which might perſwade one as a Spectator to believe the Priſoner guilty of the Crime with which he ſtands charg'd, may not in any ſort be evidence to find him guilty, if he were one of his Jury.

For put the caſe, a Man is accuſed of Treaſon or Felony before a proper Magiſtrate, and the Perſons who afterwards happen to be his Jury, are preſent at his Examination, and the Fact is not only point blank proved, but the Party Accuſed confeſſes it: Yet when he ſtands upon his Tryal, unleſs he do there again confeſs the Indictment, or the Fact be proved by ſufficient Evidence, the Jury muſt acquit him

Or thus, If a Man is Indicted for Treaſon or Felony, though Twenty, or a greater number of Men, of undoubted Credit and Probity ſhould declare upon their Words and Reputation, nay, with great aſſeverations and Imprecations, that they knew the Indictment to be true, yet if neither they nor any Body elſe will ſwear to the Indictment, the Jury muſt find for the Priſoner; and yet thoſe Men ſo ſeriouſly and ſolemnly declaring themſelves would ſufficiently ſatisfie all By-Standers, and even the Jury too as to their private Judgments: But their Teſtimony not being ſuch as the Law calls Legal Evidence, it cannot affect the Priſoner.

In caſe of Treaſon the Law requires Two Witneſſes, who muſt be of good Reputation, indifferent

different to the Priſoner, and their Evidence is to be clear and direct to the Fact, and void of all implication; for if they are Men of Evil Fame, have Malice to the Priſoner, or are Bribed, Swear doubtfully, either as to the Time, Place, or Manner of the thing; any of theſe renders their Teſtimony invalid.

It is granted, That from any thing in the Act of Attainder it cannot be objected, That the Two Houſes had not before them ſufficient and Legal Evidence of the Dukes being then in open Hoſtility, it being needleſs to expreſs it, becauſe they are ſuppoſed not to proceed without it; But it is notorious that all the Evidence they were then poſſeſt of, was a Letter ſent to King *James* in the Name of the Mayor of *Lyme*, and a Printed Declaration under the Name of the Duke of *Monmouth*.

As to the Letter of the Mayor of *Lyme*, Firſt there was no proof who wrote it. Secondly, The Letter declared him that wrote it to be in great diſorder at the inſtant of writing it. Thirdly, It gave an account of not above Sixty Perſons that were come on Shoar with the Duke. And Fourthly, That upon their approach he fled out of Town, and believed that by that time, his Houſe and moſt of the Town was pillag'd and ranſack't.

Theſe are ſuch uncertainties as would render it inſufficient to be Evidence in a much leſs caſe, for it being not proved, who wrote it, it might in conſtruction of Law, be rather look't upon as his that deliver'd it, than to be ſent by Mr. Mayor: But had it been proved to be his; yet the diſorder he own'd he was in renders the purport of his Letter of very little credit; or if he had been more compoſed,

compoſed, the coming of Sixty Perſons only into the Town, was no great indication of their Hoſtility, having not offer'd violence to any Body, or if they had been a far greater number, yet for ought he knew they were retir'd to their Ships, and gone away, becauſe he ran out of Town upon their approach. Beſides this there was nothing expreſs'd in the Letter; wherefore he did believe, that ſuch diſorders were then committed in the Town; for he neither ſaw, nor heard of any Man that had receiv'd the leaſt injury whileſt he ſtay'd, nor had the Duke then declared for what intent he came. The people of the place might perhaps flock to ſee the Duke, yet that could be no Evidence of an intended outrage, it being no new thing in *England* for the People to crow'd togeather, when an Eminent Perſon is to be ſeen, and eſpecially on account of the Duke. Beſides, as his Diſpoſition did make him averſe to commit any inhumanity, ſuch as was ſuggeſted by the Letter, ſo in point of prudence it highly behoved him to treat the place as obligingly as was poſſible, for it had been the falſeſt ſtep imaginable to have done the leaſt violence to any body: So that this part of the Letter deſtroys the Credit, which the reſt of it might otherwiſe have obtain'd: And take it altogether is ſo weak and frivolous, that a Letter found in the Streets would amount to as good Evidence in any caſe as this could; for at beſt hand it could not be of greater weight than to corroborate a Legal Evidence. To allow a Paper ſtanding alone to be good evidence cannot be ſafe; and muſt be very dangerous if ſuch as this may paſs, becauſe that evidence will not be wanting, when a turn is to be ſerv'd.

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As to the Printed Declaration, It paſſed indeed under the Dukes Name, but there was no proof that he drew it, approv'd it, order'd it to be Printed or Diſpers'd, or that he ever ſaw it, or was privy to it. It was read in the Houſe of Lords by the Kings Command, or elſe it had been a ſecret to them, as well as to the World, that there was ſuch a thing; for as that was the firſt time that it was heard of, ſo not any more of thoſe Prints came publickly abroad, and not one Man of a Million that either ſaw or heard the Contents of that Print; and for that reaſon, it's not altogether improbable, but that that Declaration was a Contrivance of the Court, and ſhamm'd upon the Duke of *Monmouth*. But to let that paſs, That which makes a Man guilty of Treaſon or any other Crime is his Privity or Conſent to it, and that not being proved, it could no more render the Duke Criminal of that Declaration, than it could him that caſually heard it read: For if the Printing of a Treaſonable Paper in a Mans Name, will make him anſwerable for it, then no Man can be ſafe longer than he is out of the thoughts of his Enemies, or they are not arrived to that pitch of Villany as knowingly to deſtroy an Innocent Man.

Take then theſe things together, and ſee how precariouſly every Man holds his Life and Honour, if ſuch things as they (I mean the Mayors Letter and Printed Declaration) may paſs for Evidence, for what can then be more eaſie than to ſham any Man out of his Life, and all that is dear to him.

But had the Evidence been as full and as clear as it could, or ought to be in ſuch Caſes, yet it is of the

the Eſſence of the Juſtice of *England*, that the Party accus'd ſhould be heard, or have ſufficient time aſſign'd him, ſo as that it muſt be his own fault, if he do not appear and make his defence. This is the Law not only of this, but in all Conſtitutions where the Government is not Deſpotick or Arbitrary. For there cannot be a greater Badge of Slavery, than that Men may be condemn'd without being heard to their Accuſation: In the time of *Henry* VIII. *Cromwell* Earl of *Eſſex*, being then a great Man, and out of deſign to deſtroy ſome, whom he knew not well how to ruine otherways; contrived and promoted a Law for a Summary way of Tryal, ſo as that a Man might be judg'd without being heard; but as it fell out he periſhed by the Snare that he had layd for others, for he was condemn'd without being heard to his charge, and he was the only Man that was toucht by that Law, for his caſe made it ſo odious, that immediately upon it, it was repealed, as being unjuſt, and inconſiſtent with the Juſtice of this Government.

God the Righteous Judge of all the Earth, though he knows what we can ſay in our defence, will hear us before he condemns us, for otherwiſe his Sentence would not appear to be juſt. The Law in caſe of Blood proceeds by ſlow ſteps, becauſe Blood when ſpilt cannot be gathered up again; for it is a Maxime in our Law, that no delay is too great when Life is concern'd; the Law deſires that every Man ſhould prove innocent, and does ſuppoſe he is ſo till he is found to be otherways by his Peers, and for that reaſon it is that a Judge may not give the Priſoner at the Bar reproachful Language, till the Jury has found him

him guilty, and then too he is not to be condemn'd, till he has moved in Arreſt of Judgment, and heard what he can further ſay for himſelf.

To hear a Cauſe *ex parte* is in effect to know nothing of the Truth, ſo as to be able to make a Judgment where the Right is. Many Innocent Perſons will unavoidably ſuffer, when ever it comes to be Law that Men may be try'd and condemn'd, without being heard: This ſort of Juſtice will ſet the Innocent and Guilty on the ſame foot; and to throw Croſs and Pile, whether the Priſoner ſhall be acquitted or condemn'd is as Juſt, as to Try a Man without hearing his Defence.

Now it's undeniable that there was no time given by the Bill for the Duke to appear, which muſt at beſt hand be allow'd to be a great omiſſion; for in all other Acts of Attainder, if the Perſon was alive, a convenient time was allowed him to come and be heard, and till that time was expired, the Act was not in force againſt him, nor could the penalty therein expreſt affect him in the leaſt.

But beſide theſe things, there fell out ſome thing further in this Bill of Attainder, that is very unuſual and extraordinary; for it was begun and paſs'd both Houſes, in one and the ſame day, which was never heard of before in any caſe, though the occaſion were never ſo preſſing: The Method of paſſing all Bills being quite otherways. For when a Bill is brought into either Houſe of Parliament, or ſent from one Houſe to the other, it is not often that they give it a reading the ſame day, or if they do, it's ſeldom that a Bill is read above once in one day, and when it has been read a ſecond time, if it be not rejected it is committed, and then for the more part the Committee does proceed upon

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it ſome other day, and not upon that, ſo that regularly no Bill can paſs either Houſe in leſs than Three days: And this gradual way of proceeding upon Bills, demonſtrates the great Wiſdom and Juſtice of the Two Houſes, and vindicates them againſt precipitancy and partiality. This has been the Ancient and Approved Method beyond the Memory of Man or Records, and it has ever been found ſafe if not fatal to go out of the path of our Fore-fathers.

And thus ſtands the Caſe as to the paſſing of the Bill of Attainder againſt the D. of *Monmouth*; which muſt be acknowledg'd to be a Summary way of proceeding upon preſumption, without Legal Evidence, or hearing the Party, or obſerving the uſual Method of paſſing Bills in Parliament.

But it is objected and ſaid in the defence of this, That the Legiſlature of *England* is confined to no Rules and Directions, but that of their diſcretion, and that upon ſuddain emergencies, when it will be to the Publick Detriment to ſtay for the ordinary and uſual Forms of Law they may juſtifie the diſpenſing with them; and for that reaſon all that was done in the Duke of *Monmouths* caſe is very well warranted, becauſe there was then *flagrante bello.*

It is true that the Parliament has ſuch a diſcretionary Power, and it's reaſonable it ſhould be ſo; but yet this does not prove that a more deliberate proceeding might not have been had upon that Bill, however it will ſcarcely afford an Argument, wherefore the Attainder ſhould not now be revers'd, but rather that it ought to be, becauſe when the Miſchief is prevented, that induced the Parliament to ſuch an extraordinary courſe, it

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was the conſtant practice of our Fore-fathers to put it out of ſight as ſoon as could be. And nothing could be more prudent, for ſo long as it remain'd a precedent, it might be the occaſion of a greater evil than it had prevented; and ſo long as this Attainder ſtands in force, it will be look't upon as an Expoſition of the Law, declaring that it may be Legal and Juſt to condemn without Evidence, or hearing the Parties defence, and thereby put our Lives and Families into a more precarious condition, when in the diſcretion of the Two Houſes of Parliament, then when they are to be judged in the Inferiour Courts of Juſtice; and ſo chalk out a Method for unfortunate Times, to take off any Man that ſtands in the way, for though what was done in this caſe may be ſaid to be *Jus*, yet it was *Summum Jus*, and if it was *Juſtum*, yet it was not done *Juſtè*.

But over and above all this, there happen'd a thing in purſuance of this Bill, which though in ſtrictneſs of Law it cannot be aſſign'd as ſufficient Error, yet in reaſon may be an inducement to the Parliament to reverſe this Attainder.

The Life of every Man is under the protection of the Law, even Perſons Condemned, Outlawed, or Attainted, to Kill or Execute them in any other manner than the Law directs is Criminal: In caſe of Outlawry for Treaſon or Felony in the Kings Bench, if the Party be apprehended in time of a Vacation, no Warrant can go out to execute him before the next Term, but he is till then to remain in Priſon, that ſo he may not only be heard what he can ſay for himſelf, wherefore Execution ſhould not be awarded, but that alſo the Law may be ſatisfied, that he is the very Perſon named

named in the Outlawry, and even a Priſoner condemn'd at the Bar cannot be executed till there is a Rule of Court, or other order for it: Now it is conceived that the Duke of *Monmouth* ought not to have been executed till he had been brought before the King's Bench, or ſome other Court that could properly judge and diſtinguiſh, whether he were the very Perſon Attainted by that Act; for had he been brought to the Bar, and there deny'd that he was the ſame Perſon, a Jury muſt thereupon have been impanelled to try whether he were the proper Perſon or not: For the Law delights in certainty, and will not go out of ſo grave and conſiderate a way, eſpecially in ſo ſolemn a caſe as Blood, where it cannot be too cautious; one Man may be ſo like another, that it is not eaſie to diſtinguiſh them when aſunder, and a miſtake in ſuch a kind would be a great blot upon the Juſtice of any Government, when it is occaſion'd by precipitancy and haſte; but we have lately ſeen ſuch unfortunate times, when there was a willing diſpoſition to commit ſuch Miſtakes, if any Colour of Law could have been found for it.

But ſetting all theſe things aſide, and were there not ſo many extraordinary things in the Caſe, yet ſomething ought to be done for the ſake of the Dukes Children; ſurely a great deal of compaſſion is due to them, conſidering upon what ſcore their Father loſt his Head; by reaſon that the Cauſe of his Riſing in Arms was no other than that which prevailed with the Prince of *Orange* to make a deſcent into *England*, that is to deliver us from Popery and Slavery; there being nothing that differences thoſe two Caſes, but that the one had ſucceſs, and the other miſcarried, and therefore can

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it be politick to leave that Attainder unrevers'd as a reproach upon the Duke and his Posterity for what he did.

Besides, if this Attainder be not revers'd, it will be an utter discouragement upon all others for the future to attempt the rescue of their Country, if no regard shall be had to their Posterity, in case they don't succeed: I am verily perswaded that if the Prince of *Orange* had miscarried in his late Attempt to deliver us, every Man that had suffered in that cause, would have expected, that when ever it was in the power of the Nation, to have had a mark of favour be set upon their Posterity, at least that of right their Families were to be put in *Statu quo*: There will be very small inducement for any to be concern'd for the Publick, when nothing but success will make the Publick take care of them; when the Vertue of a People is so far depraved as to forget those that have serv'd them; they do not after that long retain a true sense of Liberty, and are easily perswaded to part with their freedom; and so long as this Attainder remains in force, it hangs over the Nation like a dreadful *Omen*; for so long as it is in force we consent to the Justice of it, and how can that be Just which we would not have done to our selves; for certainly no Man would like to be Judged by such Law as took off the Duke of *Monmouth*, and therefore what can be said that his Attainder should not be revers'd?

THE INTEREST OF Whigg and Tory.

A LETTER to a Friend.

THough others may be more fortunate in their Conceptions, yet I am confident that no Body imploys their thoughts ſo often, and with more Affection to His Majeſties Service than I do: It is very obvious that the Kings Affairs are much perplex'd: Vaſt ſupplys are neceſſary, and there is but a dark proſpect where the Money will be had, or if the Nation were in more Wealthy Circumſtances, the Diviſions that are amongſt us would much obſtruct the giving ſo much as is needful at this time: But the greateſt difficulty which the King has to ſtruggle with will be from the High Church or Tory Party, and the more he truſts or confides in them, the harder game he will have to play: For give me leave to ſay the King can never be ſafe in depending upon them till they change their Principles, or he do foregoe his own: No Man can have ſo mean a thought of the King that he

he will ever have ſo little Honour or Juſtice either to deny or go counter to what he has profeſs'd and practiſed in the whole courſe of his Life: And it's very plain that it is Private Intereſt, and not the Publick good, is the Principle by which that party has been acted: And though they have ſometimes ſeemed very zealous to ſerve the Crown, yet they have never gone further with any King than ſo long as they could ſerve themſelves of him, and therefore unleſs they are govern'd by a more Publick Principle, or have given more ample teſtimonies of their true affection to the King, than they have done to thoſe that have been before him, the more Countenance he gives them, the more he ſtrengthens the hands that will be lift up againſt him, if a fair occaſion offer it ſelf. The Seven Biſhops who were ſent to the Tower for refuſing to read K. *James*'s Declaration, were highly applauded for that Action, as a Service done the Publick, but if their own particular Intereſt had not prevailed with them, they would not have been ſo forward, to read the Declaration of K. *C.* that ſtruck more directly at the heart of the Government, and reproach all that ſhew'd a diſlike of it. If that Party has given any inſtances of their Affection to this King, either they are not publickly known, or not well underſtood, but what they have done on the contrary are too notorious to admit of a Diſpute: It was that Party that contended ſo obſtinately for the Regency, and when the matter came to be decided by a Vote in the Houſe of Lords, there was but one Biſhop that gave his Vote againſt the Regency. Who are they beſides thoſe of that Party and the Papiſts that at this day refuſe to take the Oaths, Five of the

Seven Biſhops have ſo done. It was that Party in the Houſe of Lords that oppoſed the impoſing the Oaths with the penalty eſpecially on the Clergy: It's that Party that ſo much favours the Papiſts of this day; and if any Proteſtants are found to be in a Plot with the Papiſts, they are all of that Party: Every thing moved in Parliament for our ſettlement receives its oppoſition from that Party, and I do averr that amongſt that Party there are none of them who have been preferred by the King have given a Vote, but have oppoſed every thing that was for the Publick good: Whatever tends to recal K. *James*, or to facilitate his readmiſſion, is vigorouſly diſputed for by that Party: And tho' they now ſtand ſo ſtifly for his Intereſt, yet they paſſively lookt on whilſt he was driven out of this Kingdom, which is an undeniable Argument that they either wanted Courage or Intereſt, and a defect in either of them makes them rather to be deſpiſed, than fear'd; for if they had neither Courage nor Intereſt to ſerve K. *James*, in whom they have ſo much inclination, it will not much mend the matter when this King is in the ſame Caſe. They have not the face to juſtifie the late Illegal Proceedings, yet are very buſie to keep in, and get into Imployments the very Perſons that were then made uſe of. I don't deſire that theſe People ſhould be removed to make more room for me, for I am very well ſatisfied with the Poſt I am in, and with all poſſible thankfulneſs acknowledge his Majeſties Grace and Favour, but I ſay this, becauſe I wiſh that every Man the King makes uſe of, were altogether as honeſt and affectionate to his Service as I am, and as able to ſerve him as I am willing.

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I was and am of opinion that the King made a very wrong ſtep when he employed ſo many of that Party, becauſe it would unavoidably abate the Zeal of many of his Friends, and I fear it has had this further bad effect, to make thoſe People believe that either he is afraid of them, or that they are neceſſary to him; whoſe utmoſt hopes or expectations were to ſhroud themſelves under an Act of Oblivion.

I am far from reflecting upon what the King has done, for it lyes heavy upon my Spirits as oft as I think of it, but I ſhould rejoyce if I could offer any thing to help the King to make the beſt of a bad bargain: For he has a very tickliſh game in his hands: If he ſhould now all at once diſcard that Party, no doubt it would confound his buſineſs very much for the preſent, and on the other hand, if he do not ſo carry it towards Friends (till with more convenience he may put them off) that they may ſee it is neceſſity and not choice that makes him take this courſe, he will be in great danger of looſing moſt, if not all of them, and if ſo the King will be in very untoward Circumſtances: For then he will be under the neceſſity of depending wholly upon this Party, and conſequently he muſt run up to all the exceſs that they have formerly practiſed, and yet he ſhall not be ſure of them, for as ſoon as they can make a better bargain, they'l leave him to ſhift for himſelf: This I conceive to be the Kings Caſe, and I wiſh any thing could be thought on that would do his buſineſs effectually.

I do highly approve the Kings Method relating to Eccleſiaſtical matters in giving of the Church Preferments to none but Moderate Men, and of

Exemplary Lives; for hereby the fierceneſs of the High Church-Men will be abated, and the overniceneſs of the Diſſenters taken off, and conſequently bring both ſides to better temper, which is the firſt and principal ſtep in order to uniting of Proteſtants.

In like manner, if the King would for the future, diſpoſe of all ſuch places as become vacant to none but Moderate Men, and eſpecially give the preference to ſuch as deſerv'd well of him, this would be to the ſatisfaction of his Friends, and could give no cauſe of offence to the contrary Party; it would let his friends ſee what further kindneſs he intended them, and the other would have no cauſe to complain; or if they did, they would looſe ground by it: And further to diſplace ſuch as in Parliament Vote againſt the Intereſt of the King and Kingdom, I think cannot be a queſtion; I am far from thinking it to be juſtifiable to diſplace Men for Voting according to their Conſciences, but when Men are for promoting of that which is againſt the Publick, or for bringing in K *James*, or bringing on Confuſion, to continue ſuch in Imployment muſt diſcourage the Kings Friends, and to put them out can offend none but ſuch as whoſe good or ill will is equally to be regarded.

Beſides the preſent juncture of Affairs, there ſeems to be but one objection againſt turning out theſe ſort of Men immediately, and that is the doubt in what Intereſt the bulk of *England* lies: This is a thing that may certainly be known, but it would be a great deal more than this Paper can allow of to make it clearly out; and yet I will humbly offer one thing that will in a few words give a great deal of light into it, That when we have

have had two State Officers in the ſame ſtation of different Parties it's reaſonable to ſuppoſe that all Perſons that have buſineſs will apply themſelves to the one or the other according to the Intereſt they are of, if then it ſhall fall out that he who eſpouſes the true Intereſt of his Country has three times the buſineſs of the other, I conceive it no mean Argument where the weight of *England* is.

Much more I could ſay upon this Subject, and I fear I have already exceeded the bounds of a Letter: Yet if what I have ſaid is worth your pains of reading, there is no Body to whom I can with ſo much ſatisfaction communicate my Thoughts, nor will better improve any advantage that may be made by it than your ſelf: But if I have not ſaid much to the purpoſe, I hope the honeſty of my Inclination will obtain your pardon, and continue me the honour of, *&c.*

A Diſcourſe ſhewing who were the true Incouragers of Popery: *Written on the occaſion of King* James *his Declaration of* Indulgence.

UPon the late Declaration of *Indulgence*, many having abſented themſelves from the Church, our high Church-men have from hence taken occaſion to lay it down as a *Maxime*, That if *Popery* be Eſtabliſht here in *England*, the *Diſſenters* are the only cauſe and occaſion of it, and by the Thunder and Noiſe that they make in their Pulpits, and all other places, a great many others are perſwaded to be of their opinion; yet I cannot aſſent to it, though I am far from turning Advocate, either for the Declaration, or thoſe that make uſe of it, yet as a moderate and juſt Man I would ſet the Saddle on the right Horſe, and I am perſwaded that any impartial conſidering Man will when he thinks on it ſeriouſly, find, That it is by the help not ſo much of the *Diſſenters* as the high Church, that *Popery* has put foot into the Stirrup, and is ready to mount into the Saddle: But yet I hope that on which of them ſoever *Popery* ſhall moſt depend, when it is raiſing it ſelf to the pitch that it deſigns, that they will ſlip away its hold, and thereby make that the occaſion of its ruine, that was deſigned for its eſtabliſhment.

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It must be confest that the *Dissenters* when they had the upper hand, did not behave themselves with the utmost moderation towards others that differed from them, but yet our high Church men can never answer either as *Protestants* or Politicians, the procuring of such severe Laws as were made at the late Kings Restauration, and the pushing of them too with so much violence upon the *Dissenters*, if many times those Laws were not stretcht and extended beyond their true meaning and natural construction: And with such fury did they carry on their Revenge, that had they been told, they knew not of what Spirit they were, they would not have borne so gentle a Reproof with any sort of patience; whilst in the mean time, they treated the *Papists* rather as Friends than otherwise; neither did they slack their furious prosecution, till they found the House was ready to fall about their Ears, and so were necessitated to adjourne their Proceedings till they could be at better leisure. And as this was very pleasing to the *Papists*, so it was no less an acceptable piece of Service, to make the terms of Communion so strict and strait-laced, and to set the Church upon so narrow a foundation, that it was impossible for it to stand upright very long, but must in a short time incline to one hand or another, if not fall flat to the ground. Not to mention every thing, but only to give a few Instances, and those not the greatest nor most material neither; First then the so frequent varying and altering the posture of Worship, which must unavoidably distract people, and cool their fervency in devotion; Next the turning to the East when the *Creed* is said, and reading the Scripture and Prayers in several

parts

parts of the Church, or place of Worſhip, as is now practiſed in our *Cathedrals*, which is to ſuppoſe that God is not equally preſent in all parts of the place, where people are met together to worſhip him, or that he will hear and accept this Prayer in that place, or that Prayer in another; Then farther the Tautologies, Repetitions, and ſaying the ſame thing over and over in the *Common Prayer*, which is that our Saviour reproved in the Devotion of the *Phariſees*; and beſides the requiring us to ſit when the Second Leſſon is read, and to ſtand up at the Goſpel, though they happen to be the ſelf-ſame part of Scripture; which is nothing leſs than to injoyn a contradiction. Theſe things and many others, though they pretended they are indifferent, and required only for order and decency, yet did they exact the obſervance of them much more than other things that are requiſite to make a Man a good Chriſtian: So that though theſe things may not be ſuperſtitious in themſelves, yet to require ſuch an exact obſervance of them muſt be introductive of Superſtition; And they had laid ſuch a Foundation, as on which the *Papiſts* did propoſe to build ſurely and ſubſtantially, eſpecially when the high Church men were raiſing a Superſtructure upon it by the arbitrary Doctrines which they gave out in the Pulpits, and in all other Diſcourſes; in which they aſſerted the Divinity of Kings, ſetting him no other bounds to his Power but what his Will ſhould preſcribe; together with the Doctrine of *Non-reſiſtance*, and to extend it even to our thoughts; and whoever would not ſubſcribe their aſſent and conſent to theſe things, they would write upon their back, *Tradidit Diabolo*, and aſſign them Hell and Damnation for their portion,

portion, no leſs than if they had denied the Articles of the Chriſtian Faith; but beſides, when they declared that they would rather be *Papiſts* than *Presbyterians*; the *Papiſts* did hope that they ſhould have little more to do, in bringing their work to perfection, than to ſit by, and direct what they would have done: eſpecially when they ſaw the high Church-men contend ſo furiouſly for the Succeſſion as if their All had depended upon it, as well as it was the only hopes the *Papiſts* had left them; who were further confirmed in their expectations, when upon the diſcovery of the *Popiſh* Plot by *Oats*, theſe Church-men became Advocates for it, and with ſo much Zeal and Induſtry endeavour d to leſſen and take off the credit of the Diſcovery; and yet no ſooner was an Accuſation of that ſort brought againſt the *Proteſtants*, but they undertook to demonſtrate the clearneſs of it, though moſt other people lookt upon it as a ſham, and peice of Forgery of the *Papiſts* contrivance, to take off the *Odium* of their own Plot that was a true one; but however theſe Church-men, as if they hoped hereby to make their fortunes, had nothing in their Mouths but blood and ſlaughter, bawling out for full and ſpeedy Juſtice againſt all thoſe whoſe Names were mentioned in that Plot, ſcarcely allowing them that play for their lives which the Law gives to every Subject; and condemning in their Judgments every one before he had received his Trial, and being out of patience if any one was acquitted: And many of theſe Men lookt upon the *Habeas Corpus* Act as an unrighteous Law, becauſe it helped ſeveral to their liberty who were clapt up, though nothing could be charged upon them. Thus did they proceed

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to the ſatisfaction of the *Papiſts*, till the King, being puffed up with his Succeſs againſt the Duke of *Monmouth*, he *clapt ſpurs to them* to make them mend their rate, whereby he ran them out of breath, and then inſtead of going on they fell to kicking at him; for now they can preach againſt *Popery*, and don't ſtick to ſay it openly, that the King has not kept his word, and indeed ſpeak of him and his Government in ſawcy and unmannerly Language, and let fall ſuch words againſt his Proceedings, as they would heretofore have called Seditious, had they come out of other peoples mouths; yet now they reckon themſelves the only Champions againſt *Popery*, and the chief Supports of the Laws and Liberties, becauſe they ſay and do thoſe things in ten times a greater degree, for which they uſed to call others, diſaffected, and thereby greedily lick up their own Vomit: They wonder now that any do abſent themſelves from the Church, and ſay, if *Popery* do come in, the fault will wholly lie at their Doors, who at this time ſeparate from the Church.

But ſoft and fair, they make too much haſte; for the blame will not wholly reſt with the *Diſſenters*; for neither have they yet approved themſelves ſuch worthy Patriots: If they are ruined their blood is upon their own heads, and they muſt thank themſelves for it. Though the *Diſſenters* are to blame, yet to lay all the fault at their Door, it may as well be ſaid, which is ridiculous to affirm, that he has as great a ſhare in building a Houſe that lays here and there a Stone, as he that lays the Foundation, and raiſes much of the Superſtructure upon it; which is the very Caſe betwixt the high Church men and the *Diſſenters*; and though our high

high Church ſnarle at the King, and treat him with over-familiar Language, yet what they have ſaid and done does not ſo much denote their repentance, as that they are diſobliged and diſappointed, becauſe it is not accompanied with amendment of life, which is the trueſt ſign of penitence; for I doubt, there are very few of them that can boaſt, that they are leſs debaucht and profane: If the matter then be ſo, and they on their part have not done any thing to invite or incourage the *Diſſenters* to come to Church, they ſhould be the leaſt of all Men that ſhould complain of their abſenting. Upon the whole Matter then, The *Diſſenters* by falling in with the *Indulgence*, have done that which in the conſequence will ſet up Arbitrary Power; But the high Church-men have in expreſs terms preached up and aſſiſted Arbitrary Power, and have treated the *Papiſts* as their Friends: So that they having been chiefly inſtrumental and layed a Foundation for *Popery* and Slavery, I may without pretending to the gift of Prophecy, adventure to ſay, that whenever it comes to extremity the greateſt brunt will light upon them, and their Heads will ſheild the blows from others who uſed all lawful means to have prevented the Miſcheif that is coming on apace. Thus I have laid open the Fault on all ſides; let then the high Church be more charitable, and the *Diſſenters* leſs ſtiff and ſweamiſh, and let every one indeavour to live like People profeſſing the Goſpel, and I hope that God may yet have mercy upon this poor Nation.

A Speech

A SPEECH IN PARLIAMENT FOR THE Bill of Excluſion.

I Wiſh I could have been ſilent, and I wiſh there had not been an occaſion for this dayes debate: but ſince we are brought into this condition, it behoves every Man to put to his Shoulder to ſupport this tottering Nation: And in this Matter that is now before us we ought to conſider very well, for a great deal depends upon it, and therefore I hope that every Gentleman will ſpeak and Vote as God ſhall put it into his heart, without any prejudice or pre-poſſeſſion.

A Bill to Exclude all *Papiſts* from the Crown will produce a great many Inconveniences on both hands, becauſe his R. H. being a *Papiſt* it will ſet him aſide: therefore we are to conſider which is the leſſer evil, and to chooſe that.

If the D. be exeluded, you are told how unjuſt it is to take away his Right from him: that the Crown is his Inheritance if he ſurvive the K. and beſides

beſides you provoke him and all the *Papiſts* in *England* to Riſe and cut our Throats.

On the other hand, it's plain, that when we ſhall have a *Popiſh* K. our Religion and Laws are not ſecure one Moment, but are in continual danger.

So that the caſe in ſhort is this: Whether we ſhall ſit ſtill and put it to the venture of having a *Popiſh* Succeſſor, then we muſt either ſubmit our Heads to the Block, or fight and be Rebels: Or elſe to have a Law that will juſtifie us in the defending our Religion and Laws: In plain Engliſh, whether we would fight for or againſt the Law. I think I have put it right; and now let every Man make his choice, that loves either his God or his Countrey.

As to the D's Right to the Crown; I wiſh it were clearly known what ſort of Right it is he claims, and whence he derives it: He is not Heir Apparent, neither do I think that our Law knows any ſuch thing as an Heir to the Crown, but only as a Succeſſor: And therefore the D. nor any other whatever, can pretend the ſame Title to the Crown, as the Son of a Subject can to his Fathers Eſtate after his deceaſe; for with Subjects they do not ſucceed but inherit. It is not ſo as to the Crown, for there they ſucceed: And it is from a not rightly conſidering the word *Heir*, as it is a Synonymous term with that of *Succeſſor*, that has made ſo many to be deceived in the D's Title to the Crown: for this word *Heir to the Crown* was not heard of till Arbitrary Power began to put forth. Before *William the Conquerour*'s Time it would have been a ſenſeleſs word, when the people ſet up and pulled down as they ſaw cauſe: And till

Queen

Queen *Elizabeth* it was not much in fashion, when the Crown was so frequently setled by Act of Parliament, and the Next of blood so often set aside; when the Son seldom followed his Father into the Throne, but either by Election in the Life-time of his Father, or else by Act of Parliament. So that to make the D. either Heir Apparent or Presumptive to the Crown, it must be proved either by the Constitution of the Government, or by some Law or Act of Parliament. If therefore he has a Title to the Crown, it's necessary to know what it is, and whence he has it; but if he has none, it's not unjust to pass the *Bill*, or any otherwhere he shall be particularly named: But I will say no more of this, least I may seem to be against Kingly Government, which I am not.

If the D. be Excluded because he is a *Papist*, yet it is no injustice: Why will he be of that Religion that the Law endeavours to suppress? The Subjects who are of that Religion, forfeit Two parts in Three of their Estates, and shall any Subject by reason of his Quality be exempted from the Law? I hope not; Besides, if a Subject forfeit two parts, it's reasonable that the next of blood, or any that is of that Religion, should be excluded from the Crown: because the Law has prohibited all *Papists* from having any Office Civil or Military, because their Principles are inconsistent with the Government; and then how preposterous would it be to make him the Head of the Church, and the Preserver of our Laws and Liberties, whose Religion obliges him to ruine and destroy both? So that if the D. had not by his practices given us just cause to except against him, yet barely as he is a *Papist* he ought to be Excluded:

ed: But when it is conſidered that he has held a correſpondency with the *Pope* and the *French* King, to ſubvert our Religion and Laws, what protection can we expect from him if he be King? It is a ſenſeleſs thing to imagine, that he will not diſturb us in our Religion and Laws, ſeeing whileſt he is a Subject he is practiſing to deſtroy us and them: Therefore for my part, I think we betray both our Religion and Laws if we do not paſs this *Bill*.

There is one Opinion which prevails much in the World, which as it is falſe ſo it does a great deal of hurt, and that is this; That every Government in the World was conſtituted by God himſelf: But that cannot be ſo; for it would follow, that God is unjuſt, which he cannot be. There neither is nor was any Government of that ſort but only that of the *Jews*, the reſt of the World were left to themſelves, to frame ſuch a Government as ſuited beſt to their Inclinations, and to make ſuch Rules and Laws as they could beſt obey and be governed by.

Ours is compounded of an abſolute Monarchy and a Common-wealth, and the original of it we have from the *Saxons*: But be it what it will, or whence it will, it is without queſtion that the firſt original of our Kings was, that the people found it for their advantage to ſet one over them, becauſe of his Wiſdom, Valour, and Juſtice, and therefore they gave him ſeveral Prerogatives above the reſt of the People, that he might be the better able to govern and defend them: for there is none of the Kings Prerogatives, but are for the good of the Nation if rightly imployed: But it will be a ſtrange concluſion to ſuppoſe, that the People

obliged themſelves to ſubmit to the Poſterity of that Man whom they firſt choſe for their King becauſe of his extraordinary Endowments, let them be what they would, and never ſo unfit for the Government: For the next of blood may be incapable of governing in ſeveral reſpects; ſuppoſe a Fool or Lunatick; by his Principles if he aim at Arbitrary Power, by his Religion if he be a *Papiſt* or a *Heathen*, or by his practiſes, before he comes to the Crown, to deſtroy the Religion and Government by Law Eſtabliſht.

Now this I do not ſay to argue that the Election of the King is in the People, though I think much might be ſaid in that caſe, neither is it now the queſtion; but that which I ſpeak for is, to prove that the next of blood has not ſo abſolute an Inherent Right to the Crown, but that he may for the good of the Nation be ſet aſide.

There is yet another Inconvenience to allow the next of blood to have ſo abſolute a Right to the Crown, becauſe the Poſſeſſion of the Crown takes away all diſabilities, but only ſuch as are by Act of Parliament; which being ſo, every King muſt thank his Succeſſor for every moment that he lives; if he kill him himſelf he cannot be queſtioned for it, becauſe as ſoon as the one is dead the other is King, for here the King never dies.

If therefore the next of blood has ſo abſolute a Right, the King is very unſafe: For though the D. be not inclined to ſhorten his Brothers days, nay though he be averſe to it, yet in obedience to the *Pope* and his *Prieſts*, it muſt be done either by himſelf or ſome other hand, and then how long we expect his Majeſties life?

If

If Kings were good Men an abſolute Monarchy were the beſt Government, but we ſee that they are ſubject to the ſame Infirmities with other Men, and therefore it is neceſſary to bound their Power: And by reaſon that they are fleſh and blood, and the Nation is ſo apt to be bad by their Example, I believe was that wherefore God was averſe to let the *Jews* have a King; till they had Kings, they never revolted ſo wholly from him; when their Kings were good they were obedient to him, but when they were idolatrous then the People went mad of Idols. I hope it is no *Regis ad exemplum* that makes our Nation ſo lewd and wicked at this day.

A

SPEECH

AGAINST

Arbitrary and Illegal

IMPRISONMENTS

BY THE

Privy Councill.

THere is not any thing that an *Engliſhman* can claim as his Right, that we value more than Freedom and Liberty, I mean that of the Body; becauſe Impriſonment is a ſort of Death, and leſs tolerable to ſome than Death it ſelf: For by it we are deprived of all our Earthly Comforts. What is a Man the better for having never ſo great an Eſtate, never ſo great Honour, or what elſe is deſirable in this World, if he is reſtrained of his Liberty? Now there are ſeveral ſorts of Reſtraints or Impriſonments, and they are all forbidden by our Law, unleſs the cauſe be very juſt and reaſonable; not for bare ſurmiſes or vain ſtories that a Man ſhall be impriſoned and hurried from his aboad, but only for ſuch cauſe as ſhall prove that it is for the good of the Government, and the ſup-

port

port of it, that this or that Man is impriſoned or reſtrained. Although the Law has taken very good care, yet the Subject is often abuſed in his Liberty, ſometimes by the Courts in *Weſt-Hall*, ſometimes by other Courts and particular Magiſtrates: But the greateſt cauſe of complaint proceeds from the *Privy Council*.

The *Privy Council* that is, though they have been much to blame in this particular, yet it is not a new thing that they practice, but this Itch of ſending for and impriſoning the Subject upon vain pretences has deſcended from one *Privy Council* to another, like an Infirmity that runs in a Blood; for no ſooner is a Man made a *Privy Councellor*, but this Spirit reſts upon him. This Miſchief was early eſpied, even in *Henry* III's. time, and ſeveral Lawes have been made to reſtrain the *Privy Council*.

By the 9. *H.* 3. *Chap.* 29. it's declared that No *Free-man* ſhall be taken or impriſoned, or be diſſeiſed of his Free-hold or Liberties, or Free Cuſtomes, or be out-lawed, or any other way deſtroyed, nor we will not paſs upon him, nor condemn him, but by Lawful Judgment of his Peers, or by the Law of the Land.

By the 5. *Edw.* III. 9. It is Enacted, That no Man from thenceforth ſhall be attacht by any Accuſation, nor fore-judged of Life or Limb, nor his Lands, Tenements, Goods nor Chattels ſeized into the Kings Hands, againſt the Form of the *Great Charter*, and the Law of the Land.

By 25. *Edw.* III. *Chap.* 4. It is declared, That from thenceforth none ſhall be taken by Petition or Suggeſtion made to our Lord the King, or to his *Council*, unleſs it be by Indictment or Preſentment

of his good and lawful people of the ſame Neighbourhood, where ſuch Deeds be done in due manner, or by Proceſs made by Writ original at the Common Law, Nor that none be out of his Franchiſes, nor of his Free-holds, unleſs he be duly brought in anſwer, and fore-judged of the ſame by the Courſe of the Law. And if any thing be done againſt the ſame, it ſhall be redreſſed and holden for none.

By 28. *Edw.* III. *Chap.* 3. It is Eſtabliſht, That no Man, of what Eſtate or Condition that he be, ſhall be put out of Land or Tenement, nor taken, nor impriſoned, nor diſinherited, nor put to death, without being brought in anſwer by due proceſs of Law.

And by 37. *Edw* III. *Chap.* 18. It ſays, Tho' it be contained in the *Great Charter*, That no Man be taken nor impriſoned, nor put out of his Free-hold, without proceſs of the Law, nevertheleſs divers people make falſe Suggeſtions to the King himſelf, as well for Malice as otherwiſe, whereof the King is often grieved, and divers of the Realm put in damage, againſt the Form of the ſame *Charter*: Wherefore it is ordained, That all they which make ſuggeſtion ſhall be ſent with the ſame ſuggeſtions before the Chancellor, Treaſurer and his Grand Council, and that they there find Surety to purſue their ſuggeſtions, and incur the ſame pain that the other ſhould have had if he were attainted, in caſe that his ſuggeſtions be found evil: And that then proceſs of the Law be made againſt them without being taken and impriſoned againſt the Form of the ſaid *Charter*, and other Statutes.

In the 38. *Edw.* III. *Chap.* 9. is contained the Informers puniſhment, in theſe Words, It is aſſented,

aſſented, That if he that maketh the complaint, cannot prove his Intent againſt the Defendant by the Proceſs limited in the ſame Article, he ſhall be commanded to Priſon, there to abide till he hath made grec to the Party of his damages, and of the ſlander that he hath ſuffered by ſuch occaſion, and after ſhall make fine and ranſome to the King. And the Point contained in the ſame Article, that the Plantiff ſhall incur the ſame pain, which the other ſhould have if he were attainted, ſhall be out in caſe that his ſuggeſtion be found untrue.

And ſtill there is another Law made 42. *Edw.* III. *Chap.* 3. In theſe Words: At the Requeſt of the *Commons*, by their Petitions put forth in this Parliament, to eſchew the Michiefs and Damage done to divers of his *Commons* by falſe Accuſers, which oftentimes have made their Accuſations more for revenge, and ſingular benefit, than for the profit of the King or his people: which accuſed Perſons, ſome have been taken, and ſometime cauſed to come before the Kings *Council* by Writ, and otherwiſe upon grievous pain againſt the Law. It is aſſented and accorded for the good Governance of the *Commons*, That no Man be put to anſwer without preſentment before Juſtices, or Matter of Record, or by due proceſs, and Writ original, according to the old Law of the Land. And if any thing from henceforth be done to the contrary, it ſhall be void in the Law, and holden for errour.

Theſe are Laws that are as much in force as any Statutes whatever, and ought to be as duly obſerved: But I beſeech you conſider to what a degree they have been violated by the *Privy Counſel*: How have they ſent for Gentlemen from all parts of the Nation, upon meer Flamms and Stories?

No Man could be quiet, but upon any groundleſs pretence away went a Meſſenger, to bring up that Man, not conſidering the great charge and trouble they put the Gentleman upon by it. I will mention only that of Sir *Giles Gerrard*; he was ſent for up by a Meſſenger to anſwer to I know not what, a buſineſs about a *Black Box*, and who charged him with it: But when it came to be examined it proved nothing but Town-talk, and what a pudder did they make? In our Countrey when a Man makes a great ſtir about a matter, and it ends in nothing that is ſignificant, we ſay, *Billy has found a Pin*: So I pray what did this hurly burly of the *Black Box* end in, but nothing that was worth a ſtraw? And to this mighty purpoſe Sir *Giles* was fetcht from his Houſe in the Country: And ſeveral other Gentlemen have been thus uſed againſt Law and Reaſon. It's ſtrange the *Privy Council* ſhould not remember the Bill of *Habeas Corpus*, which paſſed in the laſt Parliament, that might have brought to their remembrance theſe Laws that I have mentioned, and might further convince them how precious a thing we eſteem our Liberty: It puts me in mind of the Petition of Right, and what I have heard and read after it was paſſed, how ſoon it was violated and broken.

The *Privy Council* has been very unjuſt to theſe Gentlemen whom they have moleſted by their Meſſengers, in that they have not made their Accuſers to find Sureties to make good their Accuſations as the Law requires, 37. *Edw.* III. 18. for then idle Stories would not be ſo currant by reaſon of the Puniſhment inflicted on thoſe falſe Accuſers by 37. *Edw.* III. 18. and 38. *Edw.* III. 9. which

Laws

Lawes are grounded upon the Word of God, *Deuteronomie* 19. *chap.* 18. and 19. *ver.* But now such Fellows as are mentioned in the 37. *Edw.* III. 18. and in 42. *Edw.* III. 3. who make their Accusation for Malice, or for Revenge, or singular benefit, more than for the Profit of the King, or his People; these I say, shall be allowed to accuse honest Men, though they cannot prove a word of what they say, and for these devices are we to be forc't from our Habitations to appear before the King and his *Council.* Methinks it's hard play, and yet what remedy have we left but to sit down and be quiet? But without doubt the Land intended a Redress in these Cases, for 25. *Edw.* III 4. says, that whatever is done contrary to that Law shall be redress't and holden for none; but it does not tell us how satisfaction is to be had: But since it is left uncertain, I hope for the future we shall so order it, that every Man may have relief against this great Oppression, and that I humbly move; for if we let this alone, we leave an Arbitrary uncontroulable Power in the *Privy Council,* which will never stop till it has made the Law subject to them.

But I have heard it objected, that if this Power of sending for People be not allowed to the *Privy Council,* then you put them in a worser condition than any Justice of Peace, because by his Warrant he can send for any body in the County where he lives. I must in the first place deny this altogether; for the consequence is not true: In the next place, I say that the Law is the best Judge of this, whether the *Privy Council* ought to have such an unlimited Power, and what the Law has determined over and over again ought not to be disputed

puted by us; beſides it is a thing of dangerous conſequence to put Diſcretion into the Ballance with ſo many written Lawes which conſerve ſo dear a thing as our Liberty.

But the Power of the *Privy Council* is not hereby made leſs than that of a Juſtice of Peace; for a Juſtice of Peace it is to be ſuppoſed will not ſend out his Warrant but upon a juſt and reaſonable ground: What Juſtice of Peace ever ſent out a Warrant of the good Behaviour againſt any perſon, but he either firſt heard the party accuſed, (which is the juſter way) or elſe the matter was proved upon Oath? Or when was any Warrant of the Peace iſſued out but it was grounded upon the Oath of him that demanded the Surety of Peace? And whatever Warrants or Precepts are granted by a Juſtice of Peace, they ought to be for juſt cauſes, or elſe he violates his Truſt: So the *Privy Council* may upon a juſt Accuſation ſend for any perſon, but without that they cannot, and therefore I do not ſee wherein a Juſtice of Peace has a greater power than the *Privy Council*, or if he had, yet it would not be ſo great a Miſchief, for he can only ſend for any perſon that is in the County; but the *Privy Council* are not limited to this or that County, but their power extends all over *England*.

But beſides, it is unjuſt to be puniſht without a cauſe, and reſtraint or being debarr'd of Liberty is a puniſhment, and whoever he be that would have the *Privy Council* to exerciſe this Power, when he has known what it is to be brought up by a Meſſenger upon an Idle Story, let him then tell me how he likes it, and anſwer me if he can.

A

SPEECH

AGAINST THE

Biſhops Voting

In Caſe of

BLOOD.

OF all the things that were ſtarted to hinder the ſucceſs of the laſt Parliament, and is like to be ſo great a ſtumbling-block in the next, That of the Biſhops Voting in Caſe of Blood was and will be the chief Now they that deny that the Biſhops have right to Vote in Caſe of Blood, do labour under two great difficulties; firſt, becauſe this is a new thing, at leaſt it is very long ſince the like Caſe has come into debate: And next, becauſe they are put to prove a negative, which is a great diſadvantage. But Truth will appear from under all the falſe gloſſes and umbrages that men may draw over it: And I doubt not to make it evident, that the Biſhops have no right to Vote in Caſe of Blood, at leaſt I hope I ſhall not be guilty of obſtinacy if I do not alter my opinion till what I have to ſay be anſwered.

It

It is ſtrange the Biſhops are ſo jealous of their Cauſe as not to adventure it on their great *Diana* the *Canon Law*; by which they are expreſly forbidden to meddle in caſe of Blood. Perhaps they would do by the *Canon Law*, as it is ſaid by the Idolaters in the *Old Teſtament*, that part of the timber they made a god and fell down and worſhipped it, the reſt of it they either burnt in the fire, or caſt it to the dunghil: For, they tell you that the *Canon Law* was aboliſht by the Reformation, and that none but *Papiſts* yeild obedience to it; and therefore now they are not tyed up by the *Canon Law*, but may ſit and Vote in caſe of Blood if they pleaſe. I ſhould be very glad if they were as averſe to *Popery* in every thing elſe, and particularly that they would leave Ceremonies indifferent, and not contend ſo highly for them, whereby they make the breach wider, and heighten the differences among Proteſtants; in the doing of which they do the *Pope*'s work moſt effectually. I wiſh they would conſent to have a new Book of *Canons*; for thoſe that are now extant are the old *Popiſh Canons*. I like Biſhops very well; but I wiſh that Biſhops were reduced to their primitive Inſtitution; for I fear whilſt there is in *England* a Lord Biſhop the Church will not ſtand very ſteddily. But I will leave this (though I need ſay no more) and proceed to other things that are very clear as I conceive.

My Lord *Cook* in the *Second Part* of his *Inſtitutes*, the firſt *Chapter*, treating of *Magna Charta*, when he reckons up the Priviledges of the Church, he tells us, that Clergy-men ſhall not be elected or have to do in ſecular Office; and therefore he tells us, that they are diſcharged of ſuch and ſuch burdens that Lay perſons were ſubject to; and good

reaſon

reaſon it ſhould be ſo, that they might with greater eaſe and ſecurity attend the buſineſs of their Function, that is, to govern and inſtruct the Church: But whether they had theſe Immunities granted them, that they might ſtudy the Pleas of the Crown and Law Caſes, or elſe that they might apply themſelves to the work of the Miniſtry, let any Man judge; for ſaith he, *Nemo militans Deo implicet ſe negotiis ſecularibus:* And if to ſit and judge in caſe of Blood be not a ſecular Matter I have no more to ſay; and I hope my Lord *Cook*'s Authority will be allowed.

And becauſe as I conceive that my Lord *Cook*'s Authority may paſs Muſter in this point; I will offer ſome things out of him, that will make it evident that the Biſhops are only Lords of Parliament, and not Peers, and if ſo, it is againſt the Law of *England* for them to ſit and judge upon any Peer for his Life; for the Law ſays, that every Man ſhall be tried by his Peers.

In the *Second Part* of his *Inſtitutes*, the firſt *Chapter*, he tells us, that every Arch-Biſhop that holds of the King *per Baroniam*, and called by Writ to Parliament, is a Lord of Parliament: But in the 14th *Chapter*, when he reckons up who are *Pares* in the Lords Houſe, he ſays not a word of the Biſhops, but repeats all the other Degrees of Lords, as Dukes, *&c.* And without doubt he would not have made ſo great an omiſſion if the Biſhops ought to have been taken into the number.

Beſides this, if the Biſhops be *Pares*, how comes it to paſs that an Act of Parliament ſhall be good to which their conſent is not had, paſſed by the King, Lords Temporal, and Commons? But it was never allowed for an Act of Parliament where

the

the Lords Temporal had not given their Vote: And for proof hereof ſee my Lord *Cook* in his *Chap. De Aſportatis Religioſorum*, where he gives you ſeveral Inſtances of Acts of Parliament that paſſed and the Biſhops abſent.

But then in the *Third Part* of his *Inſtitutes* he there puts the matter out of all controverſie, and ſhews that Biſhops are to be tried by Commoners; for ſays he, in the ſecond *Chap.* treating of Petty Treaſon, *None ſhall be tried by his Peers, but only ſuch as ſit there* ratione Nobilitatis, *as Dukes*, &c. *and reckons the ſeveral Degrees; and not ſuch as are Lords of Parliament* ratione Baroniarum, quas tenent in Jure Eccleſiæ, *as Arch-Biſhops, and Biſhops, and formerly Abbots and Priors; but they* (ſaith he) *ſhall be tryed by the Country, that is by the Free-holders, for that they are not of the Degree of Nobility.* So that with ſubmiſſion this is as clear as any thing in the World.

If the point be ſo clear that the Biſhops may Vote in caſe of Blood, it would do well that ſome Preſidents were produced, by which it might appear that they have ever done it, at leaſt that they have made uſe of it in ſuch times when the Nation was in quiet, and matters were carried fairly; for Inſtances from Times of Confuſion or Rebellion, help rather to pull down than ſupport a Cauſe: But my Lord *Cook* in his *Chap.* (that I mentioned even now) *De Aſportatis Religioſorum*, gives you ſeveral Preſidents where the Biſhops when Capital Matters were to be debated in the Lords Houſe withdrew themſelves, particularly 2 of *Rich.* II. the Arch-Biſhop of *Canterbury* made a ſolemn proteſtation in the Parliament for himſelf and the Clergy of his Province, for that Matters of Treaſon

ſon were to be entreated of, whereat by the *Canonical Law* they ought not to be preſent; they therefore abſented themſelves.

But in regard I have hitherto voucht my Lord *Cook* for what I have ſaid, I deſire that it may be obſerved that he wrote ſince the Reformation, and what was Law when he wrote is Law at this day, unleſs it be changed by ſome Act of Parliament made ſince; and therefore he that denies my Lord *Cook* to have written Law muſt produce ſome Act of Parliament whereby it does appear that the Law is altered ſince his time. Beſides this, the Biſhops and other Clergy were called to Parliament very uncertainly, ſometimes more, ſometimes fewer, and ſometimes none at all, as it was in *Edw.* I. time.

Therefore ſeeing the caſe to be thus, That the Biſhops are not Peers but only Lords of Parliament, That an Act of Parliament is good though they be abſent, That they are to be tried by Commoners, And that when Capital Matters were to be debated, they have withdrawn themſelves, declaring at the ſame time that they ought not to have to do in ſuch things, And alſo, that they have not ſo abſolute a Right to ſit and Vote in the Houſe as the Temporal Lords have, becauſe they are called to Parliament ſo uncertainly; I ſhall be glad to hear what can be ſaid to make their Right unqueſtionable: But if all this were ſet aſide, yet it remains on their part to prove that they have ſate in Judgment upon the Peers. I am apt to believe, they will be hardly put to it to produce any Preſident out of good Times, when the Nation was in quiet, and the Law had its courſe; Nay, I think they can ſcarcey find any, that the Proceeds of

that

that Parliament when it was done, were not repealed by Act of Parliament, and ſtand ſo at this day: And I ſhould alſo be glad to ſee that when a Peer has been tried out of Parliament that any Biſhop was ever nominated to ſit upon that Lord accuſed; for out of Parliament if a Peer be tryed for his life it is by a ſelect Number named by the King; and if the Biſhops have Right to ſit and Vote upon the Peers, it is ſtrange methinks that there is not any Inſtance to be found, where the Biſhops or any of them have been named to Judge a Lord out of Parliament. Now the reaſon (as I conceive) how this comes to paſs is, becauſe it was never known that a Biſhop was tried by the Lords out of Parliament, and therefore they cannot try a Lord out of Parliament, becauſe they are not Peers; for the Lords have never tryed any Biſhop but in Parliament, and that was always upon Impeachments, and not otherwiſe: And upon an Impeachment they may try other Commoners as well as Biſhops.

Beſides this it is plain, that the Clergy, even in the time of *Popery*, would not have to do with Blood in any caſe whatſoever: For when they engroſſed all Offices and Places of Honour or profit, you ſhall not find any Biſhop that was Lord Chief Juſtice of the Kings Bench, or Judge of any Court where Mens Lives were to be meddled with; and the Clergy were not ſo ignorant or backward in their Intereſt, as to let ſlip ſuch profitable places, had it ſuited with their Function.

I have often conſidered with my ſelf, what it is that has induced ſo many of the Temporal Lords to contend for the Biſhops in this caſe: I cannot perceive but that it is againſt themſelves that they

ſtrive;

ſtrive; for without doubt, the fewer that the Temporal Lords are, the more conſiderable they are, and why they ſhould ſtrive to make themſelves leſs I cannot comprehend; neither can any reaſon be aſſigned but that which is obvious to every Mans Thoughts: That there is ſome ſecret power that governs their Lordſhips in this Affair; But without doubt this powerful hand would not be able to turn the Scales ſo very much, if Nobility had been beſtowed only on ſuch as deſerved Honour. But when Intereſt prevails above Merit, no wonder that a Word or a Look do command ſo abſolutely; And yet there is this to be ſaid for the Lord's Houſe, that there are a great many Lords who retain the Worth and Honour of their Anceſtors: That notwithſtanding being frowned upon, diſplaced, and all poſſible diſcouragements, yet have they ſhewed themſelves to be Men of *Engliſh* Principles; that they will ſerve the King as *Engliſhmen*, but will not give up any of their juſt Rights to pleaſe him.

If the Biſhops had never ſo clear a Right in this matter, the it is to be conſider'd, that whatever Right they have, that it was gained in the times of Superſtition and Blindneſs, when the Clergy Uſurped and Lorded it over the Nation; and therefore in regard that *England* has now recovered its Eye-ſight and Underſtanding; they are very unthankful if they do not reduce every thing to its proper Station: And if the Biſhops are prohibited by a Law not to Vote in Caſe of Blood, or are abridged in any other Matter where the Intereſt of the King and People require, yet the Church is not prejudiced, for my Lord *Coak* tells us in the ſecond part of his Inſtitutes.

Nec debet dici in prejudicium Eccleſiæ libertatis,

quod pro Rege, & Reipublicæ neceſſariam non venitur: And whether it be not for the Intereſt of the King and People that the Biſhops ſhall not Vote in caſe of Blood, I ſubmit to any Man that wiſhes well to *England*.

Now I would fain be ſatisfied why our Biſhops are more forward to have to do in caſe of Blood, than the Biſhops and Clergy in the time of Popery, it's plain they always declined it; but ours will adventure a Kingdom upon it. It's true they will withdraw upon the Tryal of the Five Popiſh Lords, but they will not upon Tryal of my Lord *D*——*s* Pardon, yet thus far they condeſcend, that when Judgment is to be pronounced, they will withdraw: Very well, Firſt it is confeſſed on all hands, that if my Lord *D*——*s* Pardon do not hold good, he dyes for it: And next I would willingly underſtand the difference in this caſe, when a Man is tryed for his Life before ſeveral Judges; and all of them, though he is Innocent, reſolve that he ſhall be pronounced guilty, but they withdraw themſelves, and leave one of their Brethren to paſs the Sentence: Now the queſtion is, Whether the reſt that were abſent are not as guilty of ſhedding Innocent Blood, as he who pronounced the Sentence: And ſo on the contrary, for any other thing whatever: And whether this does not reach the caſe in hand I humbly ſubmit: But the truth of the matter is, the Biſhops do know that if my Lord *D*——*s* Pardon be allowed, then Arbitrary Power comes in with a Powder: And then will be their Harveſt, and here's the ſhort and long of the caſe: And therefore the Parliament muſt never yield that the Biſhops ſhall Vote in caſe of Blood; for the conſequence of it will be to alter the very Frame of our Government, and curſed be he that removes his Neighbours Land mark.

A

A SPEECH AGAINST THE PENSIONERS IN K. *Charles* II. Reign.

WIthout doubt the last Parliament had great Matters in agitation, and the inquiry they made about the Pensioners of the preceding Parliament was no small one, but rather one of the chief things they had in hand; for had they been permitted to have perfected that, it had been a good recompence for the disappointment which the Nation sustain'd in their other expectations, by the suddain Prorogation: And without all question, nothing is fitter for the thoughts of a Parliament, than to take into consideration how to punish them that had proved the Pest, and had almost (if not altogether) ruin'd the Nation; and how to prevent the like mischief for the future.

The Name of a Penſioner is very diſtaſtful to every *Engliſh* Spirit; and all thoſe who were Penſioners I think are ſufficiently deſpiſed by their Country-men: And therefore I will mention only two or three things that will lye at their doors; before I offer my advice what is to be done.

Breach of Truſt is accounted the moſt infamous thing in the World, and this theſe Men were guilty of to the higheſt degree; Robbery and Stealing our Law puniſhes with Death, and what deſerve they who beggar and take away all that the Nation has, under the Protection of diſpoſing of the Peoples Money for the honour and good of the King and Kingdom: And if there were nothing more than this to be ſaid, without doubt they deſerve a high cenſure.

Beſides the giving away ſuch vaſt Sums, without any colour or reaſonable pretence: There is this great miſchief will follow upon it: Every man very well knows that it has put the King into an extraordinary way of expence: And therefore when he has not ſuch great ſupplyes, it muſt of neceſſity bring the King into great want and need: And ſhall not only give him an ill opinion of all Parliaments that do not ſupply him ſo extravagantly, but perhaps put him to think of ways to get Money that otherwiſe would never have entred into his thoughts; ſo that whatever ill may happen of this ſort, theſe Penſioners are anſwerable for it.

Furthermore they have layd us open to all our Enemies, whoever will invade may not doubt to ſubdue us: For they have taken from us the Sinews of War, that is Money and Courage, all our Money is gone, and they have exhauſted the Treaſure of the Nation, and when People are poor, their

their Spirits are low, ſo that we are left without a defence, and who muſt we thank for bringing us into this deſpicable condition, but theſe Gentlemen, who notwithſtanding this had the face to ſtyle themſelves the Kings Friends, and all thoſe who oppoſed their practices were Factious and Seditious. They had brought it to that paſs that Debates could not be free, if a Gentlemans Tongue happen to lye a little awry in his Mouth, preſently he muſt be called to the Bar, or if that would not do, whenſoever any Gentleman that had a true *Engliſh* Spirit happen'd to ſay any thing that was bold; preſently away to ſeek the King and tell him of it; and often times more than the Truth: And thus they indeavoured to get an ill Opinion in the King of his beſt Subjects: And their practice was the more abominable, becauſe their Words and Actions gave the occaſion to force thoſe ſmart Expreſſions from the Gentlemen that ſpoke them, for their honeſt hearts were fired with true Zeal to their King and Countrey, when they beheld the impudence and falſeneſs of thoſe Penſioners.

It's true we find that in or about the 10*th* year of *Richard* II. it was indeavoured to get a Corrupt Parliament; for our *Engliſh* Story ſays that the King ſent for the Juſtices and Sheriffs, and enjoyn'd them to do their beſt, that none ſhould be choſen Knights and Burgeſſes, but ſuch as the King and his Council ſhould name, but we find it could not be effected.

The next that occurs to my thoughts is that in the 4*th* year of *Henry* IV. the Parliament that was called at *Coventry*, named the Lay-mens Par-

liament, for the Sheriffs were appointed that none should be chosen Knights or Burgesses, that had any skill in the Laws of the Land.

The next that I remember is that in *Henry* VI. time, in the year 1449, or 50, when the Duke of *Suffolk* was Accused by the Commons, and Committed to the *Tower*, the King Dissolved that Parliament not far unlike our case of my Lord *D*——, but it differs in this, that *Suffolk* was Committed to the *Tower* as of right he ought, but we were deny'd that Justice against *Dob*——, only *Henry* VI. made the cases thus far even that he set *Suffolk* at liberty after he had Dissolv'd that Parliament: Soon after a Parliament was called, wherein great care was taken in choosing of Parliament Men that should favour *Suffolk*: But they so far failed of their purpose, that his appearance at the Parliament gave great distaste to the House of Commons, and they were so far incensed, that they began the Parliament with a fresh Accusation against him and others: So that you may see that it was not in the power of the Court to corrupt the House of Commons.

In the time of *Henry* VIII. about the 20*th* year of his Reign when the Parliament was active against Pluralities, and Non-Residence there was an Act passed to release to the King all such Sums of Money as he had borrowed at the Loan, in the 15*th* year of his Reign; it's said that it was much opposed, but the reason that is given why it passed is, because the House was mostly the Kings Servants; but it gave great disturbance to the Nation: And this is the only case that I can remember that comes any thing near to our Pensioners; but we cannot

find

find that they or any Parliament took Money to Vote. So that we muſt conclude that there was never any Penſioners in Parliament till this Pack of Blades were got together.

Therefore Sir, what will you do? Shall theſe Men eſcape, ſhall they go free with their Booty: Shall not the Nation have Vengeance on them, who had almoſt given up the Government: It was they who had perverted the ends of Parliaments: Parliaments have been and are the great Refuge of the Nation, that which cures all its Diſeaſes, and heals it Soars: But the Men had made it a Snare to the Nation, and at beſt had brought it to be an Engine to give Money; If therefore theſe go away unpuniſht, we countenance what they have done, and make way to have Penſioners in every Parliament; but far be any ſuch thought from any Man that ſits within theſe Walls: And having ſaid this, I will in the next place humbly offer my thoughts what is to be done.

In the firſt place I do propoſe that every Man of them ſhall on their knees confeſs their fault to all the Commons, and that to be done at this Bar one by one.

Next, That as far as they are able, that they refund all the Money they have received for ſecret Service. Our Law will not allow a Thief to keep what he has got, by ſtealth, but of courſe orders reſtitution, and ſhall theſe proud Robbers of the Nation, not reſtore their ill gotten goods?

And laſtly, I do propoſe that they be Voted incapable of ſerving in Parliament for the future, or of injoying any Office Civil or Military, and

order a Bill to be brought in to that purpoſe: For it's not fit, that they who were ſo falſe and unjuſt in that Truſt, ſhould ever be truſted again. This Sir is my Opinion, but if the Houſe ſhall incline to any other way, I ſhall readily comply, provided a ſufficient mark of Infamy be ſet on them, that the People may know who bought and Sold them.

A SPEECH

A SPEECH For the Sitting of PARLIAMENTS, And against FAVOURITES.

A King of *England* at the head of his Parliament is in his full ſtrength and power, and in his greateſt Splendor and Glory: It is then that he can do great things, and without a Parliament he is not very formidable. Therefore when Kings leave off the uſe of Parliaments, and rely upon the Advice of particular Favourites; they forſake their chiefeſt Intereſt, they lay aſide the Staff that ſupports them to lean upon a broken Reed that will run into their hands; and this is proved by the Example of former Kings. What Kings perform'd ſuch Enterprizes, and did ſuch wonderful things, as thoſe who ſtill conſulted their Parliaments? And who had more the Command of the Peoples Purſes than thoſe Kings who met the Natives frequently in Parliament? As Witneſs *Hen.* I. *Edw.* I. *Edw.* III. *Hen.* V. *Hen.* VIII. Q. *Eliz.* and what Kings were ſo mean and obſcure, deſpiſed by their

their Neighbours and abhorr'd by their Subjects as thoſe who left off the uſe of Parliaments and doted upon their Favourites: As witneſs *Will.* II. King *John*, *Henry* III. *Edward* II. *Richard* II. *Henry* VI. And I think it's undeniable that when the King leaves off Parliaments he forſakes his Intereſt, he refuſes the good and chooſes the bad.

I wiſh it could not be ſaid that for two years laſt paſt, the uſe of Parliaments has almoſt been laid aſide. It's too true that Parliaments have been delayed, and there is but a little between delaying and denying, and the firſt ſtep to a denyal is to delay: Every Man knows the great need we have had of a Parliament theſe Seventeenth Months, and why has it not met till now: It's very well known how earneſtly it was deſired by all good Proteſtants and true *Engliſhmen*, and what applications have been made to His Majeſtie that it might ſit; and it could not be obtain'd till now: And it is not to be forgotten how often it has been Prorogued, and the Notice that has been given to the Nation of the ſeveral Prorogations; the firſt time that we heard of them was by the *Gazet*, in which is ſeldom any thing of truth, and then out comes a Proclamation for a Prorogation about a day or two before the day of meeting: When Gentlemen have diſpoſed their Affairs that they may attend at the Parliament, and poſſibly ſpent all their Journey towards *London*, upon the Road they meet the News of the Prorogation, very good uſage, and there is nothing to be ſaid in Juſtification of ſuch ſhort Notice, but that when His Majeſty by His Proclamation had appointed a farther time for the meeting of the Parliament, that in plain

Engliſh

English no Man must believe it would meet: For if Gentlemen did believe it, they would prepare for it, and if they are prepared, it's unreasonable that sufficient Notice should be given to prevent them: Certainly they who advised the King in this matter, intended that most of His Majesties Proclamations should have any credit: For this Majesty has put out several Proclamations against the Papists, and we see how they are regarded, not the least obedience yielded to them: And this giving of such short notice, was certainly done on purpose that those Proclamations should neither be obeyed nor believed. Thus is the K. abused, thus does he loose the hearts of his People, and thus is the Nation abused: What will become of us when we cannot believe what His Majesty says? Out of Parliament the King cannot speak to his People in a more notable way than by Proclamation, and as the matter is order'd these are not regarded: In a Subject nothing is more luxurious, than to say of him, that his word is not to be relyed on, he does not regard what he says: And therefore what Villains are they, who by their Advice, do bring the King but into the suspition of it.

This delaying of Parliaments seems to portend the laying of Parliaments aside; and if so, an Army will follow, for the King must govern either by a Parliament or an Army, for one of them he must have; now the way to get rid of Parliaments is this: First, Although they meet sometimes, yet something must be started to hinder their success, or if that would do, Prorogue or Dissolve them before any thing be finisht; and thus Parliaments will be made useless, and this being done, it will not

not be long before they become burdensome, and then away with them for good and all.

Kings only then grow out of conceit with Parliaments when their Favourites are so overgrown, and their Actions are so exorbitant, that they will not indure to be scann'd by a Parliament: And therefore to save themselves, they perswade the King to keep off the Parliament, though it be to his great hurt: For the last Trump at the Day of Judgment will not be more terrible to the World, than the sound of an approaching Parliament is to unjust Ministers and Favourites.

That State is sick of a grievous Distemper when Kings neglect their Parliaments, and adhere to Favourites, and certainly that woe is then fallen upon that Nation which *Solomon* denounces; for says he, woe to that Nation whose King is a Child: And without question he meant a Child in Understanding, and not in Years: We have had in *England* Kings who when they were Children, by the help of a wise Council have govern'd very well: But after that they took matters into their own hands it went very ill with *England*, as *Richard* II. *Henry* VI. who whilest they were Children, the Government was steer'd aright; but their understanding not growing as fast as their Years, they assumed the Government before they were ready for it; and so managed matters, that it's better not to name them, than to reckon them in the Catalogue of the Kings.

And there is yet another reason why great Favourites should advise against Parliaments: Kings that dote too much upon their Favourites, do for the most part pick up mean Men, people of no Fortunes or Estates, upon whom it is that they

place

place their favour to ſo high a degree: And therefore it's for their Intereſt to adviſe the King to govern by an Army, for if he prevails, then they are ſure to have what heart can wiſh; or if he fail, yet they are but where they were, they had no thing, and they can looſe nothing.

There is no Man but very plainly ſees, that there are People about His Majeſty who adviſe him to ſhake off the Fetters of the Lawes, and to govern Arbitrarily, and I wiſh that their Advice have not prevailed for the moſt part, yet I think His Majeſties own Inclinations, do not bend that way, for he ſeems to love quiet and eaſe, which no Prince can have that Rules by an Army: Therefore before we can expect that His Majeſty will come in to us, theſe People of Arbitrary Principles muſt be removed from his Throne; for whileſt there are the ſame Adviſers, we muſt expect the ſame Advice whileſt there are the ſame Councellors, we muſt expect the ſame Reſults: And this alone will not do it, it's but the firſt ſtep to our happyneſs, the Principles or Maxims of State muſt be removed, it's not taking away this or the other Man, and putting in another to act by the ſame Rules that will cure our Diſeaſe; but it's the change of Principles that muſt do it.

You may remember in the laſt Parliament the change that was made in the Privy Council, and Miniſters, and upon the firſt news of it, I met with a Gentleman that had a great Service for *White-Hall*; ſays he, I hope now you are pleas'd, what can you expect more from His Majeſty? I replyed, I like it well, yet not ſo very well, for ſaid I, all is well that ends well, for all is not Gold that gliſters: I am not ſure, that theſe Men that

are

are put out have not left their Principles behind them, when those are gone I shall like it very well: The Man was angry, and flung away, saying, you are hard to please, and says I, you are easie, and so we parted.

And I pray you, how much Would have we had after all this cry, what benefit have we reaped by that change: Do not we see that unless they would act by the Maxims of their Predecessors they must do nothing, and therefore several did desire leave to go off. Some of these worthy Lords and Gentlemen that did so are now in my eye, and I shall ever honour them for it: I cannot forget the promises made to the Parliament at the same time; and how well they have been kept.

Therefore I think it's very plain that till these Principles are removed from *White-hall*, that all our labour and pains will end in nothing: The way then as I conceive to do this, is to lay before His Majesty the state of the case, let us shew him, how unable these Men are to serve him, and how destructive to his Intereſt it is to follow their Advices; and that he can be Safe and Great only by closing with his Parliament.

Would His Majesty be Safe, alas what can his Creatures do, just nothing, they have no Power, nor have they Will further than it serves for their own advantage: But His Majesty is safe in his Parliament, for it is the Intereſt of every Man in *England* to preserve and defend His Majesties governing by his Parliament.

Does he want Money to make him easie? I pray what can he expect from the Catterpillers his Favourites, their care is not how to serve him, but to

make

make their own Fortunes: But from his Parliament he need not want very plentiful supplies to preserve the Honour of himself and the Kingdom: Would he maintain his Dominions and Rights, what can his Creatures do, but when he closes with his Parliament, he can wear a Crown in the Heads, Hearts, and Purses of his People to serve him: so that whatever His Majesty would have, it is only to be had by his Parliament: For his Favourites cannot in the least contribute to make him Safe or Honourable; or whatever else a King may want or desire: All the Use a King can have from His Favourites, is to have Stories and Lies to set him at variance with his People. I hope when the Case is laid before His Majesty, that he will close with us; but if his Judgment is so prepossessed that it will not convince him of his Interest, then we must conclude that it is with him as it was with *Rehoboam*, who forsook the Council of the Old Men, and inclined to that of the Young Men, who councelled him to tell the People that his little Finger should be thicker than his Fathers Loynes: And I pray what was the effect of that huffing Speech? Why Ten Tribes were taken from him, and it was not his Young Men that could recover them for him again; neither was it without a Parliament that his Majesty was brought into *England*, I hope his Majesty has not forgot it.

Let them advise what they will, but I am confident they will think on't a good while before they will adventure to put those Arbitrary Councils into Execution; it will prove a hot matter to handle: For though I hope no Man here will lift up his hand against His Majesty, yet we may oppose

any

any Man that does ſeek to invade our Properties: And for my own part I will Piſtol any Subject, be he the greateſt in *England* that ſhall indeavour to deprive me of my juſt Right: Let us do what we can to effect an Union between the King and his People, and leave that Succeſs to God Almighty, and his will be done.

A SPEECH

A

SPEECH

On the Occaſion of ſome

JUSTICES

Being put out of

COMMISSION.

I Was in hopes that ſome Gentlemen would have prevented me in what I have to ſay, for I fear the Houſe is under a great miſtake as to thoſe Gentlemen of the Houſe who are put out of the Commiſſion of the Peace: For it is to ſpeak to that chiefly I ſtand up: I acknowledge that it is an unanſwerable thing that other Gentlemen were put out, but no doubt it was upon very weighty and warrantable grounds that the Gentlemen of the Houſe were put out.

For without doubt His Majeſty, or who he be that adviſed him to it, did think it reaſonable, and were ſenſible that we who attend the ſervice of our Country in this place, do ſpend our Time and Money, and neglect our own Affairs, and therefore when we come home, its fit that we have a time of reſt, and that we be eaſed both in our Bodies and Purſes, and be at leaſure to ſettle our own con-

cerns, and not that we ſhould be toſſed from one chargeable and troubleſome Imployment to another: So that we have great cauſe to be thankful for the care that is taken of us.

Beſides, there is a further regard had to us; for this is a dangerous time to put the Laws in Execution againſt the Papiſts, becauſe there are Examples where Magiſtrates ſome have been murdered, others attempted to be aſſaſſinated for putting the Laws in Execution againſt the Papiſts, and becauſe we appear'd to be zealous in it, therefore this care is taken off us; I ſuppoſe that might be the chief reaſon why I was put out, becauſe I have help't to convict above Five Thouſand Papiſts in *Lancaſhire*.

And furthermore it was neceſſary to know how we ſtand in the thoughts of our Countrymen, whether they have a good opinion of us now we are turn'd out of Office, becauſe it look't like a deſign'd diſgrace: For my part it has gain'd me ground, and I believe every Gentleman elſe finds his Countreymen not to eſteem the worſe of him, I rather think better, therefore ſeeing our Countreys believe us to be honeſt Men, there's no great queſtion but we ſhall be in great eſteem at *White-hall*, now they have had this Tryal of us: For *White-hall* is very apt to incline to the opinion of the Country: And that Cart is not well upon the Wheels, when it is otherwiſe.

Therefore for my part I am very thankful that I am put out. I'le aſſure you I find my Purſe the fuller for it, and I find my Countrey to pay me altogether as much reſpect, if not more than formerly: There is but one thing that I grudged to part with, and that was the Office of *Cuſtos Rotulorum*

lorum which had been in my Family for ſeveral Generations, and for that I hop'd a particular reaſon might have been aſſign'd why they took it from me, but from that day to this I cannot learn what was the cauſe: It's gone, and farewel it: And that's all the loſs I had by being put out of the Commiſſion of the Peace: I have done with our ſelves, and now give me leave to ſpeak a little concerning other Gentlemen who are put out, and no reaſon given for it.

When any Gentleman is made a Juſtice of Peace, it is out of reſpect to him, and for the good of the Country, becauſe he is ſuppoſed to be honeſt and able, and without diſpute no Man ought to be put out; but either that he is unfaithful, unwilling to do his part, or elſe he does not underſtand it: And it's a great injuſtice to any Gentleman to put him out without hearing him; for to judge a Man unheard is not allowed by the Law. And what is it, but to judge a Mans Reputation a thing moſt dear to every honeſt Man: For in any Age but this it would be a great reflection upon a Gentleman to be turn'd out of the Commiſſion of the Peace: But God be thank't the Nation ſees very plainly who and what ſort of Perſons rule the Roſt: By all the inquiry I can make I do not find that any Man is put out, but ſuch as were very active againſt the Papiſts, ſuch as are againſt Arbitrary Power, and ſuch as approved of the Bill againſt the Duke: I wiſh they would give the reaſon why one Gentleman was put out in my County, for beſides my ſelf there are but two put out, the one was newly put in, and had not acted, the other is an Ancient Juſtice of Peace, and a Man that cannot be reprehended in relation to the diſcharge of his truſt;

without reflection or diminution to any Man, I think he knows the work of a Juſtice of Peace as well as any Man in *England*, I except no Man: And for his Integrity he may ſet all Men at defiance to accuſe him of the leaſt partiality in the diſcharge of his truſt: And I do know that no Man made it more his buſineſs than he did, that he might eaſe and ſerve the Country; For as his Ability was not Inferiour to that of any other Man, ſo did he moſt duly put the Laws in execution, eſpecially thoſe againſt the Papiſts: And therefore Sir on the behalf of my Country I muſt complain, and demand to know the reaſon why he was put out, we are greatly hurt, we are deprived of a great aſſiſtance and relief, and we cannot be quiet till we are ſatisfied in that particular: And my Lord Chancellor or the Privy Council (whichſoever of them it is that put him out) will they not tell us why? Are they aſham'd to own the cauſe? What will it not bear water? I hate this as I do Arbitrary Power and Popery: Brave World, that we muſt be debarr'd of the benefit of our Laws, for if they are not executed they ſignifie nothing: It is that which gives Life to our Laws: And they that do execute them are put out of Office, this is a fair ſtep to Arbitrary Power, to deprive us of the benefit of the Law. It is the ſame thing not to have Laws, as to have Laws and not executed: I ſay no more, leaſt I may ſeem to ſpeak in my own caſe, for I do not deſire to have any thing done as to my own particular, but as to the Gentleman whoſe Character I have given you, and his Name I will acquaint you with, it is Sir *Thomas Manwaring*, you muſt give me leave to be importunate, and preſs it again and again, that he may be again put into the Commiſſion of the Peace.

A

A SPEECH

For Baniſhing the PAPISTS.

I Would be as backward to commit oppreſſion, as I will be to do any thing that God has forbidden me: For in all our Actions betwixt Man and Man, both Publick and Private, if we obſerve that Golden Rule, to do as we would be done by, we cannot err: And if my Conſcience ſhould tell me that I tranſgreſs'd that Law when I give my Vote to baniſh the Papiſts I'll aſſure you I would not violate either that Rule or my Conſcience; I would now be ſilent, and give my Vote the other way.

But that Rule does not ſo ſtrictly tye us up, as that we muſt forget our ſelves, our Poſterity, our Laws, or our Religion, it does not oblige any Man to hurt himſelf to ſave another; neither does it require that a whole Kingdom ſhall be loſt to ſave particular Men: For Charity begins at home; but when the Papiſts are conſidered in their Principles and Practices, then let any Man deny if he can, that the Papiſts themſelves are not the cauſe of whatever happens to them.

I will mention but one or two of their Principles, becauſe I doubt not but every Gentleman here is very well informed of them.

The firſt that I will ſpeak to is this, That Faith is not to be kept with Hereticks: And this Liberty extends to every thing, both as to Religion, and Worldly Affairs: It's the ſame thing to them whether they ſpeak Truth or no when they have to do with a Heretick, as they eſteem every Man that is not of their Faith, ſo that you cannot tell when to believe them, nay, though they ſwear it, for to Equivocate is a great part of their Religion.

The next is this, That it is meritorious to promote their Religion, without regard had to the way or means of effecting it; though it be by Butchering their King, Murthering Father or Children, proſtituting their Wife, or overthrowing the Government: Be it never ſo unnatural or repugnant to Gods Commands, and agreeable to theſe two are all the reſt of their Principles: So that I would fain ſee how it is poſſible to live in quiet with a People whoſe Religion obliges them to deſtroy all Converſe or Humane Society, to Murther their Neighbours, Aſſaſſinate their King, and Subvert the Government when it is in their Power; for my part I cannot ſee how they can or are fit to live, but with People of their own Faith and belief: Brutes and Chriſtians can never live and Converſe together; for none but Men of their Principles can live in ſafety with them.

And agreeable to their Principles has been their Practice all along: What Rebellion, or to uſe their own word, Commotions have we had, but their hand has been chiefly in it: I know they would caſt the Odium of the late Wars upon the Presbyterians, they may well be afforded to lye for their Cauſe, who will do every thing elſe for it, though never ſo Inhumane or Unnatural; they may

may well deny that Plot, when they have the Impudence to deny this, and to caſt this alſo upon the Presbyterians; but why ſhould they not lye in theſe caſes, whoſe Religion is a Lye: But it's very well known who began the Late War, there is no Man but is ſenſible that the Papiſts carryed on the buſineſs *againſt the Scots*: It is too notorious that a great Woman imployed her Agents to the Papiſts, to incourage them to contribute to that Work: I'll not name her, becauſe of the Act of Oblivion, and beſides She is dead; I believe every one knows who I mean.

The Papiſts have renounced the Government, they have forfeited the Benefit they might have by the Laws, in that they will not take the Oaths of Allegiance and Supremacy, or when they do ſwallow them, it is with ſuch Mental Evaſions, that they don't think themſelves to be obliged or bound by them, which in effect is a denying them; and what are theſe two Oaths, but a reaſonable Security that the Government requires them and all others to give; and he that denyes to aſſure the Government that, he will to the beſt of his power maintain it, does in plain Engliſh acknowledge another power, and that when he has an opportunity he will do his beſt to deſtroy this, and bring in that: Is that Government obliged to preſerve them, who will deſtroy it? Are they to have any benefit of the Laws, who will not obey them? They have renounced the Government, they have denyed the Kings Authority, and therefore they are to be uſed as Enemies to both; and then what ſeverity is it to baniſh ſuch People?

For what muſt we do? It's plain that whileſt they are here we ſhall never be in quiet; there is ſomething in their Religion that obliges them to be unquiet; for what reaſon had they at this time to plot or diſturb us, had not they all things at Hearts-eaſe; they cannot expect to be in ſo good a condition if they had a Prince of their own chooſing; they were free from all chargeable and troubleſome Imployments and Offices, their Eſtates were not burdened with the Forfeitures due by Law, an eaſie hand was layed upon them, and the way to preferment was by being of their Religion, they had got into almoſt all the profitable Imployments, they were above, and we below; they had what they deſired, and yet all this would not do.

But if this be too much, then let us do with them as the Children of *Iſrael* did with the *Gibeonites*, they had made a League with them, that they ſhould live amongſt them, but leaſt they might do them harm: They made them Hewers of Wood and Drawers of Water, *Joſhua* 9. notwithſtanding the League: And if the Papiſts muſt live amongſt us, let us give their Eſtates to the King to eaſe our own, and reduce them to ſuch a Condition, that ſince they will not live at peace with us, let us put it out of their power to hurt us.

If they muſt live amongſt us, and have their Eſtates, I ſhall humbly propoſe that we may know them, let them wear a particular Habit, or carry ſome Mark whereby they may be diſtinguiſh't from the reſt of the Nation: In *Rome* the Whores wear a peculiar Garb: In the time of a Plague we ſet a Mark upon the Houſe that is Infected; and ſhall theſe People have none, who are

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the Peſt of the Land, it's to them that we owe all our Diſquiet; and let us know how to avoid them: I cannot think of any other way how to be ſecure againſt them; we have no great benefit by convicting of them; kiſſing goes ſo much by favour, and they are ſo tender a place that this Man and the other is pickt out to be exempted from the Penalty of the Law, there is ſuch Picking, that few are left: Theſe are my Thoughts, and if any thing I have propoſed may be of uſe, I am very glad of it; if not, I hope I ſhall have your Pardon for troubling of you.

A SPEECH

A SPEECH OF THE CORRUPTION OF THE JUDGES.

THere is not under the Sun a better (if ſo good) a Government as ours: But the beſt conſtituted Government in the World is ſubject to one great fatality, and that is, whatever benefit we have by the Laws, at leaſt moſt of the Priviledges we enjoy by it, depend upon the Will and Pleaſure of thoſe who are to ſee to the execution of the Laws: For Laws that are not put in execution are vain and empty things, ſignifying nothing; for Execution is the Life of the Law, and without that they are a dead Letter: Laws unexecuted are not far unlike to a Gun which if rightly uſed is a Weapon of great defence, but otherwiſe of no great uſe, and if it be charged, it may do much miſchief, unleſs it be levelled at the right mark: So our Laws, if they are not executed, what advantage ariſes to us more than from a waſt paper? And if they are made uſe of, yet if they are not directed to their proper end, they may hurt thoſe they ought not: So that it is out of doubt that they who

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are intrusted with the execution of the Laws; it is an indispensable duty incumbent on them, that they take care not only that the Laws be duly put in execution, but also that they pursue their proper end and design, in short, that neither the Innocent be condemned, nor the guilty acquitted; Therefore the execution of the Law is so clear and undoubted a right of every Subject, that no power whatever can dispense with it: And they whose Duty it is to see it done; if they either pervert or hinder the Law from having its course, are highly criminal, and ought to be called to a strict account about it.

Having said this, I will in the first place tell you something of the Law in this case, and next give you some account of the practice of our Judges and other Officers of Justice, and then let any Man say if he can, whether the Nation at this day has not great cause to complain.

Currat Lex, Fiat Justitia, is the Life and end of our Government, and when the Law has not its Course, and Justice is not done, then there is a dissolution of it: And he that will peruse my Lord *Cooks* Expolition upon *Magna Charta*, shall find that it is a Fundamental and Ancient Right of the Subject that Justice is not to be delayed or denyed.

In the second part of my Lord *Cooks* Institutes, the 11*th* chap. on *Magna Charta*, he tells us, lest any Party that hath right should be without remedy, or that there should be a failure of Justice, therefore Statutes are always so to be expounded, that there should be no failure of Justice, but rather than that should fall out, that Case (by construction) should be excepted out of the Statute.

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In the 29*th* Chap on *Magna Charta*, *Nulli negabimus aut differemus Juſtitiam vel rectum*, and that by no means, Common Right, or Common Law ſhould be diſturbed, or delayed, no, though it be commanded under the Great Seal, or by any Command whatſoever, either from the King, or any other, and this is backt or ſeconded by a Statute made the Second of *Edw.* III. *chap.* 8. which ſays thus, *That it ſhall not be commanded by the Great Seal, nor the Little Seal to diſturb or delay Common Right*: And though ſuch Commandments do come, the Juſtices ſhall not therefore leave to do Right in any point.

In his 2*d Chap.* on the Statute of *Glouceſter*, he calls Delay the great Enemy to Juſtice: In his 24*th Chap.* on *Weſtminſter* 2*d. Ne querentes recederent a curia ſine remedio*: And that is ſupported by a Statute made the 13*th* of *Edw.* I. *Chap.* 50. where it tells us that no Man ſhall depart from the Kings Court without remedy.

In the 25*th Chap.* on *Weſtm.* 2*d. Dominus Rex Voluntatem habens ut celeris fiat Juſtitia*: And the reaſon hereof is given, for *Expedit Reipublicæ ut ſit finis litium.*

And by a Statute made the 9*th* of *Hen.* III. *ch.* 29. It is enacted that Juſtice ſhall not be denyed or deferred: Therefore having ſaid this, I think I need ſay no more to prove that Juſtice or Right is not to be ſold, deny'd, or delayed; And let any Man deny if he can, whether our Judges have not tranſgreſs'd in all theſe? Has not Juſtice been Sold, and perverted; Witneſs the Acquittal of Sir *George Wakeman*, Sir *Tho. Gaſcoines*, and Mrs. *Cellier*? Has not Juſtice been denyed; Witneſs the abrupt diſmiſſing of the Grand Jury when an Indictment

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was to have been given in to have proved the D. of *Y*—— a Papiſt, and to prevent that great ſervice to the Nation; the Jury was diſmiſſed, notwithſtanding they had ſeveral other Bills of Indictment in their hands; by which Juſtice was not only delay'd, but deny'd: And how many Inſtances more are there of this kind; Nay, the Contagion has ſpread ſo far, that it is more difficult to find a Caſe without theſe, or ſome of them, than to produce multitudes of Caſes where Juſtice has been Sold, Deny'd, or Delay'd: So that our Judges have been very Corrupt and Lordly, taking Bribes, and threatning Juries and Evidence: Perverting the Law to the higheſt degree, turning the Law upſide down, that Arbitrary Power may come in upon their Shoulders: The cry of their unjuſt dealings is great, for every Man has felt their hand, and therefore I hope their puniſhment will be ſuch as their Crimes deſerve, that every Man may receive ſatisfaction.

It's ſo long ſince K. *Alfreds* time, that poſſibly what was then done is out of their thoughts; for my Lord *Coke* in the third part of his *Inſtitutes*, *chap.* 101, makes mention of a great many Judges who were hanged in one year for falſe Judgment in K. *Alfreds* time, and if we look into the puniſhment of a corrupt Judge, which is recited by him in the 224 *page*, it might be ſufficient to deter any Judge (who has either any Chriſtianity or Morality) from offending in the diſcharge of his truſt; but it may be ſome wonder that they have forgotten what happen'd in the 24*th* of *Edw.* III. concerning *William Thorp* Chief Juſtice, what a ſevere puniſhment he underwent for Bribery; all which may be ſeen at large in *page* 223, 3*d Part*. And alſo

ſo that of *Treſilian* and *Belknarp*, with others their Fellows who were all Attainted by Act of Parliament, 2*d* of *Richard* II. which was afterward confirmed by the 1*ſt* of *Hen.* IV. A Man would think that theſe cannot be forgotten; but as the caſe ſtands, their Memories are to be refreſht by condign puniſhment, and they very well deſerve it; for my Lord *Coke* in the fourth part of his *Inſtitutes*, ſays, *chap.* 13. That when particular Courts fail of Juſtice, the General Courts ſhall give remedy: *Ne curiæ Regis deficerent in Juſtitiæ exhibenda*: So that what a condition are we in when thoſe Judges that are to relieve againſt the injuſtice or delay of Inferiour Courts; do turn Merchants of the Law, and will not do right; for when they are corrupt, how ſhall we eſcape, but all Inferiour Courts will follow their Example; therefore in my opinion this Matter ought to be ſearcht into; and if there prove ſuch faults as are complained of, we can do no leſs but puniſh the Offenders, and prevent the like for the future, leaſt we otherwiſe ſeem to countenance their actions; for if we do not puniſh them, we approve of them: From which, Good Lord deliver us.

And now I am ſpeaking of Judges and their miſbehaviour, give me leave to acquaint you with the grievance of the County for which I ſerve in relation to our Judge or Chief Juſtice:

The County for which I ſerve is *Cheſhire*, which is a County Palatine, and we have two Judges peculiarly aſſign'd us by His Majeſty: Our Puiſne Judge I have nothing to ſay againſt him, for he is a very honeſt Man for ought I know;

But

But I cannot be silent as to our Chief Judge, and I will name him, because what I have to say, will appear more probable: His Name is Sir *George Jefferies*, who I must say behaved himself more like a *Jack-Pudding*, than with that gravity that beseems a Judge; He was mighty Witty upon the Prisoners at the Bar, he was very full of his Joaks upon People that came to give Evidence; not suffering them to declare what they had to say in their own way and method, but would interrupt them, because they behaved themselves with more gravity than he; and in truth, the People were strangely perplexed when they were to give in their Evidence; but I do not insist upon this, nor upon the late Hours he kept up and down our City; It s said he was every Night drinking till Two a Clock, or beyond that time, and that he went to his Chamber drunk; but this I have only by Common Fame; for I was not in his Company; I bless God I am not a Man of his Principles or Behaviour; but in the Mornings he appear'd with the Symptoms of a Man that over Night had taken a large Cup.

But that which I have to say is the Complaint of every Man, especially of them who had any Law Suits.* Our Chief Justice has a very Arbitrary Power, in appointing the Assize when he pleases; and this Man has strained it to the highest point; For whereas we were accustomed to have Two Assizes, the first about *April* or *May*, the latter about *September*; It was this Year, the middle (as I remember) of *August* before we had any Assize; and then he dispatcht business so well, that he left half the Causes untryed, and to help the matter, has resolved that we shall have no more Assizes this Year.

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Theſe things I hope are juſt cauſe of Complaint: It cannot be ſuppoſed that People can with eaſe or delight be in expectation ſo long as from *May* till *Auguſt* to have their Cauſes determined; for the notice he gave was very ſhort and uncertain.

And I beg you is it not hard for them that had any Tryals; to fee Councel, be at the charge of bringing Witneſſes, and keep them there five or ſix days; to ſpend their Time and Money, and neglect their Affairs at home; and when all is done, go back and not have their Cauſes heard: This was the caſe of moſt People the laſt Aſſize.

Some

Some Obſervations on the Prince of Orange's *Declaration, in a Charge to the Grand Jury.*

Gentlemen,

THE greateſt part of the misfortunes which befall mankind, would be prevented, did they but keep in mind and ſeriouſly conſider, the moſt remarkable things which happen to them; for then they would not (as is every day ſeen) neglect ſo many advantageous opportunities which by Providence is put into their hands, nor ſplit ſo often upon the ſame Rock. For ſo apt are men to forget even things of the the greateſt moment, that it is become a common ſaying, That there is not any thing that is more than a nine days wonder: which does ſufficiently expreſs the giddineſs and want of conſideration in Men: Of which there never was a more pregnant inſtance, than is to be obſerved in *England* at this time: For tho the late Revolution was as remarkable as any thing could be, both for the matter as well as for the manner of it; yet it ſeems to be as much out of peoples thoughts, as if no ſuch thing had happened to us.

It is a great unhappineſs that no more notice is taken of it, and it would yet be a greater misfortune, if we make no more advantage of it, than yet we have done: and ſince it does ſo much concern us to carry it in our thoughts, I hope I ſhall not miſpend your time, whilſt I give you a ſhort account of the occaſion that ſent K. *J.* away, and for what reaſon his preſent Majeſty, the then Prince of *Orange*, was placed on the Throne.

I believe you may remember how much the greater part of the Nation was alarm'd, when it was known that the Duke of *York* had declared himſelf a Papiſt, by reaſon of the fatal effects it would have upon our Religion and Liberty, if in caſe he ſhould come to the Crown: And the Parliament being no leſs ſenſible of this threatning danger, made ſeveral attempts to exclude him from the Crown by Act of Parliament; which was the cauſe wherefore ſo many Parliaments one on the neck of another, in the latter end of *Charles* the II.'s time proved Abortive, for when the Court could not by any other Artifice keep off the Bill of Excluſion, that Parliament was diſſolved, and another called, in hopes to find it of another temper; but perceiving that every Parliament began where the other left off of that Scent, King *Charles* took leave of Parliaments for the reſt of his time: And then all thoſe who had been for the Bill of Excluſion, were loaded with all manner of reproaches, and amongſt other things

things were called Anti-Monarch-men, becauſe they would break into the Succeſſion, for that the Excluſion of the Duke of *York* was uſed only as a pretence to bring in a Common-wealth: To ſuch a degree of madneſs did the miſtaken Loyalty of ſome people carry them: And I wiſh there were not ſome at this day, who hope to make themſelves welcome at Court, by calling every thing Anti-Monarchical that is propoſed for the good of the Nation.

At laſt things being in a poſture for the purpoſe, *C.* II. went off (but how is not yet certain) to make room for his Brother the Duke of *York*; who began very early to diſcover himſelf, and in a ſhort time had made ſo very bold with matters both in Church and State, as to demonſtrate that the apprehenſions of thoſe who would have Excluded him, was rather a Propheſie of what he would do, than a groundleſs conjecture; for his power ſwelled ſo faſt, that he quickly makes all people to feel the intollerable burden of an unbounded Prerogative; ſo that many who before fell down and worſhipt Prerogative, were than as haſty to get out of the way of it, as they would to avoid a Monſter that ſtood ready to devour them; and thereby brought them ſo far to their Wits, as to enable them to ſee, that it is much ſafer to truſt the Law, than the King's Will and Pleaſure with their Liberties and Properties: and that God had no more given Kings a right to oppreſs and inſlave their Subjects, than he

had indued them with a power to Create Men. For the methodwhich King *James* took, ſhewed plainly to all the world, that nothing leſs than being Abſolute would content him; That is, he would govern by his Will, and force an obedience to his pleaſure by his Army; for his Adminiſtration became more exorbitant every day than other, till his preſent Majeſty, the then Prince of *Orange*, Landed; who as is uſual upon ſuch occaſions, ſet out a Declaration of the occaſion that brought him hither, wherein is innumerated many of the irregularities of King *James* his Adminiſtration.

The firſt thing mentioned is the Diſpenſing-power, which King *James* had aſſumed, whereby he gave juſt occaſion for a very loud complaint, becauſe it is a moſt dangerous Inſtrument in the hand of any King, for it not only makes a noiſe, but does certain execution; it ſwallows up Law where-ever it comes, and tears up Liberty and Property by the Roots; it does not only put every mans right at uncertainty, but makes it uncertain whether there is any ſuch thing as Right; it is of ſo diffuſive a Nature, that if it be exerciſed in one Kingdom, the next that is governed by the ſame King has cauſe to think it ſelf in danger.

This the Parliament had early under their conſideration, and prepared a Bill, for taking away the Diſpenſing-power, which by the help of ſome other things that were in the ſame Bill, obtained the Royal Aſſent, and ſo it paſſed into a Law. The

The Declaration then takes notice, that for the better introducing of the Diſpenſing-power, That the Judges were prevailed with to declare that ſuch a power is a right belonging to the Crown, and in order to it, the Judges opinions were diſcovered before-hand; and ſuch as would not comply were turned out, thereby to intimate to the reſt that they might act at all times as they ſhould be directed.

This indeed was a very high aggravation of it; this was not to uſe the Law lawfully, but to eſtabliſh Oppreſſion, Violence, and all manner of Iniquity by a Law: For whoever ſhall endeavour to influence the Judges in their opinions, by what means ſoever he ſeeks to intimidate them, whether it be by turning them out of their places, withholding their Sallaries, or putting others over their Heads, does plainly diſcover, that he aims at nothing leſs than to Govern by his Will: For the apprehenſion of loſing a good imploy is not above the ordinary rate of men; and the ſtopping of a Judges Sallary muſt have the ſame effect, becauſe it's all one, whether a man is turned out of his place, or the profits of it are withholden from him: and that Judge is expoſed to a powerful temptation, who ſees he cannot riſe in courſe, unleſs he will comply.

The Parliament being ſenſible how much the Juſtice of the Nation lay expoſed, ſo long as the Judges held their Places or Sallaries at Pleaſure, had the laſt Seſſions but

one, prepared a Bill to remedy this inconvenience; which was offered to the Royal Aſſent, but was refuſed; for what reaſons is not proper for me to give, becauſe I ſhall always adviſe the contrary: ſo that that part of King *James*'s Male-adminiſtration remains as it was, to be practiſed by any other King, who ſhall be ſo wicked as to have it in his thoughts, how he may inſlave the Nation.

The Declaration obſerves that King *James* put men into imployment, and continued them therein, altho they had not qualified themſelves according to Law.

This, as it unhinged one of the great ſecurities of the Government, ſo it was a plain indication of King *James*'s intentions to govern without Law: for when men are put into imployment in ſpight of the Law, it ſhews they were preferred not ſo much for their fitneſs to execute that Office, as to ſerve ſome other purpoſe againſt Law; and thoſe that ſo complyed, juſtly incurred the cenſure of every man that wiſht well to his Country; for they ſhewed that they were through-ſtich-men, that would ſtick at nothing, thereby rendering themſelves ſo infamous as to make all mankind conclude that they would never be imployed in any other Reign, by reaſon of the ſcandal, as well as the danger that any Prince runs, who ſhall take them into his Service.

The

The Declaration then takes notice of the Eccleſiaſtical Commiſſion; which indeed carried an ill deſign in the face of it, it having been always found, that ſuch extraordinary methods are not ſo much to puniſh faults already committed, as to wiſh there were ſuch, and to pretend men to be guilty, who have not tranſgreſſed. For if nothing more had been deſigned, but to puniſh thoſe who really were offenders, what need was there of that High Commiſſion, ſeeing the Law had before ſufficiently provided; ſo that the parlous intention of ſetting up that Commiſſion was very obvious, and it was yet plainer, becauſe it was expreſly againſt Law, for 16 *Car.* c. 11. that took away the then High-Commiſſion Court, has provided and declared that any other ſuch like Court is illegal, and all proceedings thereupon to be void, and of no force.

And here I cannot but obſerve to you, how far they were the occaſion of ſetting up this Court, who were like to ſuffer moſt by it: For it cannot be forgot what pains the Clergy took to magnifie Prerogative, and to preach up the Doctrine of Paſſive-Obedience, and Non-reſiſtance; upon which King *James* ſuppoſing them to be worthy of their Functions, and conſequently what they preacht in their Pulpits, they would practice when they were out of them, thought he might make the more bold with them: But with what Chriſtian patience they bore it, I believe you remem-

ber: for King *James* received more reproachful language and revilings from them than from all other people: and therefore I hope they have learnt this leſſon, and will be careful for the future to inſtruct all others under their care, not to extend Prerogative beyond the bounds which the Law has ſet it, leſt they are the firſt that feel the weight of an unlimited power: For this Eccleſiaſtical-Commiſſion was a monſtrous thing; and therefore it is to be hoped, that all thoſe who were of it, and that now are in eminent ſtations under this Government, have made it appear that they are become new men: or otherwiſe if it was a fault in King *James* to ſet up that Commiſſion, it will be hard to find an excuſe for their being of it.

The Declaration proceeds, in taking notice that ſeveral Churches and Chapels were built for the exerciſe of the *Romiſh Religion*, and that ſeveral Colleges of Jeſuits were ſet up, and that a Jeſuit was made one of King *James*'s Privy Council.

This, had it ſtood ſingly of it ſelf, muſt appear dreadful to all true *Engliſh-men*, and yet it was but a neceſſary conſequence of what went before it, and gave every man a clearer proſpect of the precarious condition in which his Religion and Liberty ſtood.

The next thing that followed was to examine Lord Lieutenants and Deputy Lieutenants, Juſtices of the Peace, and all others in publick imployments, in order to have

the Penal-Laws and Teſt repealed; and to turn out ſuch as would not concur. This was made uſe of (as no doubt it would have been) a very effectual means towards the packing of a Parliament, it being a leſſon which he had learnt from his Brother *C.* II. who uſed to take Parliament-men to task in private, where he uſed ſuch arguments, as thereby he ſo often drew from the Parliament thoſe unneceſſary ſupplies. This examination of the People in private, was called Cloſetting, at firſt lookt upon as a very inconſiderable thing, yet we ſaw that the ſaid Cloud, tho at firſt no bigger than a mans hand, quickly overſpread the whole Heavens, and gave our affairs a very gloomy Complexion, and if we will learn, has taught us this uſeful leſſon; That, when men ſhall not be left to the freedom of their judgments in relation to the publick, but indeavours are uſed to warp and bend them another way, that there is ſome ill deſign in hatching; eſpecially when ſuch applicaons are made to members of Parliament, concerning ſuch matters as are under their Conſideration: For this is to kill the Government at the Root, and the deſign is equally apparent and miſchievous, by what means ſoever a Parliament is corrupted, whether it be by Places, Penſions, or any other thing that makes the Members thereof to become men of dependance.

The

The next Article againſt K. *J.* is that he Seized upon the Charters of Corporations, thereby bringing their Priviledges to be diſpoſed on at his will and pleaſure.

This was very Notable Injuſtice, yet the making havock of Charters was begun and carried on very far by *C.* II. to which the Loyalty that then prevail'd contributed very much; for who ever was not for ſurrendering of Charters and giving up their Liberties, was mark'd out as Anti-Monarchical and a Commonwealths-Man, and this fantaſtical Loyalty had intoxicated ſo very many, that very few Corporations ſtood out; thoſe that diſputed the point were taught the Law of *Quo Warrento*. So that when K. *C.* died he left his brother little more to do than to give the finiſhing ſtroke to that he had brought to ſo great Perfection: by which we ſee how dangerous it is to make any other thing, than the Law the Meaſure of our Loyalty; for altho' at firſt no ill conſequence may be apprehended of what is done, yet it is not long e're Men find their miſtake, by the miſchief which falls upon their own Pates, and with this aggravation, that they don't ſee their error till it is out of their power to remedy it.

The Declaration next obſerves, how that *Ireland* was put into the hands of Papiſts, which made many to leave the Country, well remembring what fell out in the year 41.

This was very true, and it is as true, that it put every Man in *England* (who valued his Religion and Property) under very great

great fears and apprehenſions that the ſtorm would blow over into *England.* Becauſe he that would ſet up Aarbitrary-Power in *England*, muſt firſt try his hand upon *Ireland*; it having been obſerv'd, that whatever Arbitrary thing has been done in *England*, that it has firſt been practiſed in *Ireland.* So that when ever things go irregularly in *Ireland*, *England* cannot think it ſelf ſafe, till affairs are put into a better poſture there.

The Declaration further takes notice, that K. *J.* had declared in *Scotland*, that all his Subjects are bound to obey him, without reſerve. This is the higheſt of abſolute Power; and it was plain he intended to do no leſs in *England*; For there is nothing more certain in humane Affairs, Than that when a K. miſ-imploys his power in one Kingdom, it is not for want of inclination, but of means and opportunity, that he does not do ſo in all other places under his Dominion: As for Example, if a King keep one of his Kingdoms without Parliaments, he would do ſo in another, if by ſome neceſſity he were not compell'd to do otherwiſe; for *C.* II. kept *Ireland* without Parliaments, and it was out of regard to his particular Affairs, that he called a Parliament in *England*, for you may remember how quickly he ſent the Parliament packing that called him in, becauſe it was more intent upon ſetling the Nation, than to give him unneceſſary ſupplies; and thoſe which he afterwards called, were kept no longer than he could ſqueeze Money out of them.

The

The Declaration goes on to remind us how K. J. indeavour'd to diſcourage and take away from the Subject the right of Petitioning. The privilledge of Petitioning is an ancient and neceſſary right, and ſo great a right, as it has always been ſuppoſed, that upon ſuch applications, the K. was bound either to redreſs that whereof they complain'd, or to let them ſee, that their compiaint was without cauſe. But to take away this right from the people, is to deprive them of the means of making known their grievances in the moſt humble and dutiful way that can be, and puts them under a neceſſity of doing it with their Swords in their hands; for there is but one of theſe two ways of letting the K. know their grievances: there is nothing more fit, than that Subjects, tho' never ſo much oppreſt, do firſt make known their ſufferings, in the humbleſt and moſt reſpectful manner that may be, and not have recourſe to more compulſive methods, till no good is to be done the other way: That Prince who is unwilling to hear the complaints of his People plainly intimates, that he intends to govern them by the rod of his power, and not by the equal and gentle methods of the Law: and there ſeems to be no leſs a fearful expectation, when the addreſſes of both or either Houſe of Parliament, don't meet with ſucceſs, but prove abortive; for conſidering that the Nation does then Petition the K. in its higheſt Capacity, it may reaſonably be

expected,

expected, that those applications should be answered with effect, unless the K. be wiser than all the World, and such a Man was never yet found, or else what the Parliament complains of is false or frivilous, which is not easily to be suppos'd.

Then the Declaration reminds as of K. *James*'s design to pack a Parliament, that by the Peoples consent, those things might be made a Law, which he had done contrary to the right of the People and the Law of the Land: which was to stab the Nation to the Heart. For a Parliament is the Soveraign and only remedy for publick Distempers, and if rightly, apply'd works an infallible Cure, but if it be corrupted makes the Malady, how slight or inconsiderable soever, to become Incurable. He that desires to corrupt a Parliament, leaves very little room to believe that the good of his people is the end of his Government: for when a Prince looks upon it to be his Intrest to influence and byas the Parliament, he cannot be thought to have some Intereſt with his People. There are two ways to corrupt a Parliament: The first is to influence the Elections, so as to have Men chosen that will serve a particular purpose and design; and *2dly*, if that fail, to corrupt the Members by Places, Pensions, or good round sums of Money, which is called Secret Service, whereby the Nation becomes *felo de se*

The last article against K. *J.* is that of imposing upon us a Prince of *Wales*. This indeed, if it were so, is as great a Forgery and

and Cheat as ever was heard of: but becauſe thoſe whom it more nearly concerns have not yet thought fit to inquire further into it, I ſuppoſe it will not be expected that I ſhould give any opinion of it at this time.

This is the ſubſtance of the charge brought by the P. *Orange* againſt K. *J.* I think I have not omitted any thing that is material: but theſe are not all the irregularities that K. *J.* was guilty of; yet are they ſufficient to ſhew that his adminiſtration was inconſiſtent with the Rights and Liberties of *Engliſh*-Men, and who is he that can imagin that there was any other means but force whereby we could recover our Rights; they that think it could have been effected by gentler applications, may as well pretend to bind the *Leviathan* with Cords: Thoſe that have boaſted moſt of Prayers and Tears, when they have been touch'd by Arbritrary Power, have found thoſe things to be of no more force with a Prince that had will and means to be Arbitrary, than the Cords on *Sampſon*'s Arms, and then have they been very willing to make uſe of more violent applications. For thoſe who value themſelves moſt upon this ſort of Loyalty, are generally ſuch as are unconcern'd for the publick, provided they can make themſelves ſafe; and may well be compar'd to the Fox in the Fable, who having loſt his Tail would have perſwaded the reſt to cut off theirs. They that will not lift up their hand to ſave their Country, are as much to be condemned as the

Inhabitants

Inhabitants of *Meroz*, who were curs'd bitterly becauſe they came not to the help of Lord againſt the Mighty, *Judges* 5. *v.* 23.

K. *J.* had ſo disjointed and made ſuch havock of the Government, that the firſt ſtep towards the repairing our breaches was to lay him aſide, not out of any particular diſlike to his Perſon but to his actions, becauſe what he had done was not to be ſuffer'd in any other Man, for whoever ſhall hereafter do the like muſt expect the ſame meaſure.

K. *J.* being deem'd unmeet to ſway the Scepter, the next thing was to conſider, whether it was better to turn the adminiſtration into a Regency, or elſe to elect another in the Room of K. *J.* and after ſome time ſpent therein, it was reſolv'd, as the beſt, to place ſome other on the Throne; becauſe as that did make the leaſt alteration that could be, ſo whatever was amiſs in the State would more eaſily be rectified, than by another Method that was propoſed: Upon this give me leave to make one obſervation; That altho' a Regency and a Common wealth are the ſame in effect, being but ſeveral Names for the ſame thing, yet there prevails an opinion, where one would leaſt ſuſpect it: That thoſe who were for a Regency are the only men for Monarchy, and that thoſe who were for continuing the Adminiſtration under a King, are for a Common-wealth; how this opinion can be conſiſtent with it ſelf I do not apprehend, unleſs that whatever is done for the good of the people, brings us ſo much

much nearer to a Common-wealth; and if ſo, Kings will find it to be their intereſt, as well as their duty to make their Adminiſtration eaſie to the people.

It being reſolved to fill the Vacant Throne, the Prince of *Orange* was preſently thought on, as the fitteſt of all others for the purpoſe, not ſo much for having been the chief inſtrument of our deliverance, tho a great deal was due to him from the Nation in point of gratitude.

But the Crown was offered to the Prince of *Orange*, in hopes of having the effect of his Declaration; for as it was his intereſt to perform what he had therein ſaid and promiſed, ſo the Nation was more likely to obtain a full redreſs of its grievances by him, than by any other; for he had the example of King *James* freſh before him, he could not but very well apprehend that what could not be indured in King *James*, would not be ſuffered in any other; he knew very well that the Nation expected to have his Declaration made good to the full, as well becauſe he had promiſed, as alſo becauſe of the right they had to have their greivances redreſſed: and that ſo far or ſo long as any part of it was denyed or delayed, ſo far would the people be diſappointed, and think themſelves deceived: He could not but be ſenſible of the reproach and hazard he ran, that having found fault with King *James*'s Adminiſtration, if he did not amend whatever was amiſs; and that to trifle with the Nation in any one particular,

would

would render all the reſt ſuſpected of what he had ſaid or promiſed.

He told us in his Declaration, that the greatneſs and ſecurity both of Kings, Royal Families, and of all ſuch as are in authority, as well as the happineſs of their Subjects and People, depend, in a moſt eſpecial manner, upon the exact obſervation and maintenance of their Laws, Liberties and Cuſtoms.

This, ſo true a principle, that he who governs accordingly cannot fail to proſper in all he puts his hand unto; and he that ſays ſo, and knows and underſtands what he ſays, yet does not act accordingly, cannot expect the love of his people.

He was very ſenſible how diſtaſtful a ſtanding Army is to the Nation, and much more when a conſiderable part of it is comopſed of Foreigners; and that to increaſe the number of Foreign Troops would very much alarm the Nation, unleſs it was by reaſon of ſcarcity of our own people, or want of ſuch as durſt fight, or for ſome ſuch neceſſity; and therefore to remove thoſe apprehenſions, he promiſes to ſend back all the Foreign Forces he had brought along with him, as ſoon as the State of the Nation will admit of it.

He promiſed to bring *Ireland* to ſuch a ſtate, as that the Proteſtants and Britiſh intereſt may be there ſecured, conſidering, no doubt, that as *Ireland* is the backdoor to *England*, he could not be thought to be in earneſt as to the good of *England*, ſo long as he neglected the ſettlement of that other

Kingdom; becauſe *England* can never reckon it ſelf ſafe, ſo long as things are out of order there, having reaſon to ſuſpect that the irregularities in the Adminiſtration in *Ireland* will ſooner or later affect *England*.

Laſtly, He promiſes to concur in every thing that may procure the Peace and happineſs of the Nation, which a free and lawful Parliament ſhall determine; ſo that there may be no more danger of the Nations falling at any time here after, under Arbitrary Government.

When the State is diſtempered, a Parliament is ſo abſolutely neceſſary, that it is ſcarce poſſible to cure it, without one; but then that Parliament muſt be a free and lawful one: as well in the manner of electing it, as afterwards in their proceeding, for if there be any foul play, or underhand practice in the Elections, or that when the Members come together, they are over awed, or corrupted, this may have the name, but nothing of the nature of a free and lawful Parliment, and is like Phyſick ill prepared or applyed, does more hurt than good. In curing the diſtempers of the Government ſuch reformation muſt be intire without any reſerve; for if any gap is left, it will quickly let in as many irregularities as were before complained of: for unleſs the very root and foundation of thoſe diſtempers be removed, it will prove no better than the skinning over of a Sore, which whilſt it ſeems fair to the eye, is feſtring within, and afterwards breaks out with greater Violence.

Upon

Upon a Revolution, where the Government is Monarchical, one of theſe things uſually happens, either that the King is continued in the Throne upon a new ſtipulation or contract between him and the people, or elſe the Adminiſtration is put under a Regency; or the King being found unmeet to ſway the Scepter, is therefore laid aſide, and another choſen into his place; or elſe the Government is changed into a Commonwealth.

The firſt of theſe, that is, when the King by a new agreement is continued to Reign, is the eaſieſt and ſureſt come at, becauſe the irregularities in ſuch a caſe are not many, ſo that remedies are as obvious as the grievances are ſenſible: and the King, finding what it is to provoke the Nation, readily complies with whatever is propoſed, leſt he ſhould make the people deſperate; and there is this farther in the caſe, that being jealous of the King's intentions, the people no longer depend upon his Word and Promiſes, but take care to have effectual remedies.

As to the ſecond thing, that is a Regency, this is a kind of a myſterious thing, for the King is neither altogether Depoſed, nor does he Govern; but the Adminiſtration is committed to another, who in nature of a Guardian does all in his name, yet under the Survey, and ſubject to the Controul of the two Houſes of Parliament. But this ſeldom continues, for either the King is reſtrained, or the Government is changed into a Commonwealth: So that this not anſwering the end propoſed, it oftentimes happens, that when

the King is found unmeet to govern by himſelf, that he is laid aſide for good and all, and another is elected in his ſtead, which is done, when his adminiſtration is become exorbitant, and that he is deaf to the Petitions and Complaints of his people: for ſuch a change is not made for the ſake of him to whom the Crown is given, but that the Government may be amended. Now tho this is ſeldome done, but for very good cauſe, yet through the folly of ſome, and knavery of others, it does not often anſwer expectation. For tho there is much to do, and a great deal that is needful, yet what through the unskilfulneſs of thoſe who have the conduct of Affairs, and the unfair proceedings of others, who out of favour to the Depoſed King make it their buſineſs to lay rubs and difficulties is the way, and to render every thing impracticable, whereby the work is very often left imperfect: But beſides this, tho the people have then every thing in their power, yet a very little matter takes off the dread and apprehenſion of any danger, either for the preſent or time to come, and conſequently makes them remiſs, if not altogether to neglect to make ſuch proviſions as are neceſſary, and this for two reaſons.

Firſt, Becauſe as ſoon as the King is depoſed the minds of the people are put at eaſe, either from a belief that all the Calamities, which befell them during his reign, proceeded directly from himſelf, without the advice, or improvement of any other: Or elſe becauſe that no other man will be wicked to ſuch a degree as he

he was; which certainly are two very great miſtakes: For it was never yet ſeen, where the irregularities of a Reign were many, but that ſome about the King put ill thoughts into his head, or helpt to improve that which he had conceived: And in the next place he that ſucceeds is more likely to do as the other has done, than that no man will ever be guilty of the like miſ-behaviour.

Secondly, Becauſe it is the nature of mankind to be tranſported with every change; that is with their conſent, and eſpecially in ſuch caſes as theſe, where it makes ſo great an alteration; ſo that for ſome time their conſideration departs from them, and they depend ſo implicitly upon words and promiſes, as if there needed nothing more to ſettle the Nation; and then as an unavoidable conſequence of it, the beſt conſtruction is put upon all that is done, even to look upon the irregularities of the new elected Prince (if he ſhall commit any) to proceed from his care of the Publick: Nay, altho he do imploy the Miniſters and Creatures of the Depoſed King, this ſhall be imagined to ariſe from the ſame regard to the Nation, becauſe it will be ſuppoſed that he either finds, or has made them fitter than any other, to ſerve him and the publick, till the ill effects are felt of having ſuch perſons near the King. But it is not eaſily to be imagined that ſuch perſons are imployed for the ſake of the publick, unleſs their parts and abilities eminently exceed the reſt of mankind; which would be little leſs than a miracle; or elſe at leaſt that they are be-

come new men to all intents and purpoſes, and that ought to be as evident as the Sun at Noon-day.

If a Prince entertain ſuch men, and knows what they are, ſuch evil Miniſters are more likely to make him a bad Prince; than that he can make them juſt and faithful Councellors, to him and the publick.

If none of theſe things I have mentioned happen upon a Revolution, then there remains nothing, but to change the Government into a Commonwealth: But that is ſeldome done, till the caſe is ſo deſperate as that nothing elſe will do; yet it moſt commonly happens either when the Father and Son ſucceſſively have governed Tyrannically; or elſe when one Prince is depoſed, and the next proves as bad as he; indeed unleſs it be at the laſt extremity, it ought not to be thought on; becauſe it is eaſier to repair an old Government than to make a new one; and beſides, there needs a great deal of time to bring the latter into ſhape, and eſpecially a Commonwealth, where ſo much Vertue in the people is requiſite to make and continue it ſuch; of which ſort of Government, I will only ſay, That no doubt but it has its particular excellency: for as no Government is altogether perfect, ſo every Government has ſomething that is particularly good in it.

And here give me leave to ſay a word in my own vindication, I find I have been accuſed to be a Commonwealths man, but were I permitted to ſpeak for my ſelf, I would ſay,

ſay, That I like this Conſtitution under King, Lords and Commons better than any other, and I defie any man to mention that thing which can give juſt occaſion to think otherwiſe of me; I am ſure there is no man ſo hardy as to tell me ſo to my face; yet I ſay withal, That if through the Adminiſtration of thoſe who are truſted with the Executive Power, or by any other means, my liberty ſhall become precarious, I will then be for any other form of Government, under which my Liberty and Property may be more ſecure, and till then I don't deſire to change; And in this I think I am not much in the wrong; but this only by the by.

Now to apply what I have ſaid to our preſent caſe; I think King *James* was juſtly depoſed; for what part of the Conſtitution had not he put out of order, and then how can ſuch a man be meet to ſway the Scepter: and in the next place, as things ſtood at that time, all circumſtances conſidered, who was ſo likely to do us right, as he that had promiſed to repair our Breaches, and whoſe intereſt it was to be as good as his word; and tho we have not every thing as well as well as we could wiſh, yet that does not proceed from any error in placing the Crown where it is, but from ſomething elſe that could not be foreſeen, for whoever he is that judges of things only by the ſucceſs, ſhews not his wiſdom ſo much as his folly, becauſe he reckons without his Hoſt.

True indeed it is, that our Affairs are not proſperous, many diſaſters have befallen us; and we have let ſlip ſeveral advantages, ſuch as we can hardly hope for the like again, together with abundance of other things, that are very melancholly reflections: whether theſe have happened through the defect of our Councils or Treachery, I will only ſay, That it ought ought exemplarily to be puniſht where ever the fault is: and be it where it will, there is one and the ſame original cauſe of both, and till that is removed we cannot expect it ſhould be better with us: I wiſh it were not too plain that God has a Controverſie with this Land: for which of us can ſay, that he is not juſtly provoked, ſo that if we are infatuated in our Councils, it is the hand of God that is againſt us; and if we are betrayed, is there not a cauſe.

I wiſh we were fit for a better condition, and ſurely it is our own fault that it is not otherwiſe: For God has plainly ſhewn us, that he is willing to be gracious to us: Not only by bringing about the late Revolution, but alſo by multiplied inſtances ſince that, of his care and protection: for how many Fleets of our Merchants have eſcaped, by no leſs than Miracle? and by no leſs a Providence, did the French Fleet fall into our hands. How ſtrangly have ſeveral great Plots been diſcovered, juſt when they were ready to be put in execution: but notwithſtanding all this,

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It is too obvious that our Affairs have every year gone backward, and in this much more than any of the reſt, it is to be feared that worſe remains, if it be not prevented by a ſpeedy and thorough Reformation.

And therefore Gentlemen, of the many things that are at this time under your care, (for whatever is an offence againſt the Publick Peace falls within your inquiry) I will more eſpecially recommend to your conſideration theſe few things, without loſing your time by innumerating of the reſt.

The firſt is, to do what in you lies, to ſuppreſs the profanation of the holy name of God by Oaths and horrible Execrations, which never ſo much over ſpread the Land as it does in this Age: It is a moſt unaccountable thing; it can only be learnt by Converſation, and improved by Art and Induſtry, becauſe it is not a ſin of Nature, and conſequently wants that impulſe either of pleaſure or profit which leads to the commiſſion of other ſins: It is certainly a great provocation of the Almighty, and does in no ſort recommend the converſation of any man; for who can take delight to hear God's name taken in vain? no man can ptetend, that for being a common Swearer, the more credit is to be given to what he ſays: for how can he be thought to regard Truth, who makes ſo light of him, that is the very truth? what advantage then does any man reap by it? and ſince there is neither pleaſure nor profit by it: it is very well ſaid by one, That for other ſins men ſell

their

their Souls, but for profane ſwearing they give theirs. How then can we hope for ſucceſs in our Armies, amongſt whom there is more horrible Curſing and Swearing, than is to be heard any where elſe: Whileſt they contemn God, and daily ſpit in his face, how can we hope that he will go forth with our Armies, ſo long as by their reitterated expreſſions they ſeem to have renounced his protection, what do they look like but men that are appointed to deſtruction; were there as much care to puniſh this as there is to inquire into falſe Muſters, and ſome other things of leſs conſideration, it would not fail to have a ſuitable effect; but this is to be done by others, your care is to look into your neighbours, and if you know of any that are common ſwearers, or of any Petty Conſtables, who have neglected to inform the *J. of P.* at all their monthly meetings, you ought to preſent them.

'Tis true indeed, that the moſt that you can do, will go but a little way in this work for the preſent; yet it is as true that it muſt be begun at ſome time, and ſome where, and I wiſh you may have the honour to be the firſt in it; for if your example be followed by others, it will redound to their everlaſting praiſe, but if it ſhould proceed no further, yet you have this ſatisfaction, that you have waſht your hands, and done your duty.

The next thing is to inquire after thoſe who made light of the Sabbath, either by neglecting to go to ſome publick worſhip: or elſe

elſe, that having been at Church both parts of the day, yet ſpend the remainder of it, in Sports or Gaming, or elſe what is more frequent (and too very common) in an Alehouſe.

It is certainly a great contempt of God to neglect the means of Salvation; they that do ſo, muſt either imagine that they have no ſuch thing as a Soul, or elſe believe that it is of ſo little value, that it ought to be the leaſt part of their care: Can any man upon mature deliberation be of that opinion? If there is ſuch a one, he is very much to be pitied; and how much better are they, that having been at Church, imploy the reſt of the day in paſtime, or drinking? What advantage do they ſeem to have, by having been at Church? for tho they might ſit before God in his place of worſhip as his people do; yet it is evident that their hearts were after ſomething elſe.

God made the Sabbath for man to reſt on, and not that he ſhould do his own work therein; for theſe perſons can't produce any good authority, for making ſuch a difference in the ſeveral parts of that day. It is a ſtrange expoſition on the fourth Commandment, and it is no wonder that there is ſo many Atheiſts among us, when places of Scripture are ſo expounded, and tho they may ſatisfie their own conſciences in ſo doing, yet the Law looks upon it as a great offence.

I remember the time when a ſort of men, either out of ill will to their neighbours, or for their own profit, were very induſtrious

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to inform againſt ſuch as went to Conventicles, I wiſh they would now be as zealous for Religion and God's honour, in diſcovering thoſe that go to no publick worſhip, or ſpend the remainder of that day improperly; as they then pretended to be zealous for the Church, when they ferrited the Diſſenters out of their Meetings.

The next thing you are to inquire of, is the ſin of Drunkenneſs: Thoſe that are common Drunkards, and frequenters of Traverns and Ale-houſes.

I wiſh they were not ſo many as offend herein, and that the abuſes were fewer, that people receive from thoſe that are Drunk. This alſo is a ſin of Cuſtom, and not of Nature, for Nature requires ſo little, that a man cannot diſorder himſelf by taking what is needful to ſatisfie it: So that every Drunkard offers violence to the bent of Nature, to bring himſelf into that condition: and what is the advantage of it, but to make himſelf nauſeous to others over night, that he may loath himſelf next morning, when he is diſgorging the laſt nights entertainment.

Nothing brings a man ſo near to a beaſt as it does, for it deprives him of the uſe of his reaſon, and expoſes him to more extravagancies than any other ſin. What difference is there betwixt a drunken Man and a Swine, only, that the Brute has the better of him: for a Swine follows that appetite which Nature has indued him with, and when he is dead, his carcaſs is worth the meat it has eaten:

But

But a drunkard forces himſelf beyond his appetite, and when he is dead, is good for nothing.

I have heard of many that boaſt how they can make others drunk, and how much they can drink: A notable thing indeed, to value themſelves upon, conſidering that a Woe is denounced againſt thoſe that ſet the Bottle to their neighbours Noſe; and he that drinks moſt cannot vaunt of ſo much as an Hogſhead can do.

Do theſe men think that they were made to only devour the fat of the Land, that they may vomit it up: but their anſwer is, that their Time, Money, and Body are their own, and therefore they may do with them what they will, ſo long as they hurt no body elſe: 'Tis true indeed, they are their own, yet only to ſome intents and purpoſes: For as they may not injure others by the uſe of them, ſo neither can they juſtifie the harming of themſelves; for both Body, Time and Money, are to be imployed for the advantage of others, as well as of themſelves, becauſe every man's Life and Eſtate is more the publick's, than his own.

In order to the ſuppreſſing of this ſwiniſh practice, you ought to preſent all ſuch Alehouſes, as of your own knowledge, or by information, ſuffer people to tipple and drink in their houſes at unſeaſonable hours; or that harbour men ſuſpected, and of evil fame, or that ſuffer any other diſorder.

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Likewiſe, if there are any Ale-houſes in by-ways, or other improper places, which through inadvertency or miſ-informatian are Licenced, you ought to preſent them, that they may be ſuppreſſed; for as they do not anſwer the legal end of an Ale-houſe, ſo they are the receptacles and harbours of Thieves and Rogues, and conſequently the occaſion of all the Thefts and Robberies that are committed in the Country.

There are a ſort of people, who will go Ten or Twelve Miles to a three Penny Doal, that will refuſe ſix pence, if offered them to go four or five Miles, altho they have ſcarcely rags to cover their nakedneſs: if you know of any ſuch you ought to preſent them, that they may be ſent to a place, where they'll be forc'd to work.

There are alſo a ſort of People that ſpend high and live very plentifully, yet have no viſible means of ſupporting that expence: if you know of any ſuch you ought to preſent them, that an account may be taken of them and their way of living, which is very neceſſary at this time, when Clipping and Horſe-ſtealing are two ſuch great Trades.

The laſt thing I will recommend to your Care, is to preſent all ſuch Officers as have neglected their duties in ſeeking and Apprehending Vagrants and wandering Perſons: I believe Gentlemen, you are very ſenſible that the numbers of theſe idle people are great, and that the miſchiefs they bring upon us are many: for they do ſo ſwarm in theſe parts, that

that it's a wonder if ſome other of them are not apprehended every day, in moſt Townſports: and yet by what the Officers do, one would think there was ſcarce any of them: for in all the time that I have been a Juſtice of the Peace, I don't remember that ſo much as one Vagrant has been ſeized by the Conſtables, unleſs when they have been found pilfering: ſo backward are they to do their duty herein, that one would think the Vagrants were in fee with the Conſtables, or elſe they could not paſs along, as they do without diſturbance; conſidering that the Law has given good incouragement for the apprehending of Vagrants, not only by holding out a reward to ſuch as ſhall apprehend them, but alſo by inflicting a penalty for ſuffering them to paſs along.

'Tis ſtrange, that the Petty Conſtables, if not out of regard to their Oaths, yet for the ſake of their Reputations, are not more diligent herein; for he cannot boaſt of much honeſty, who is remiſs in his duty; and it is moſt apparent, that there is a wilfull neglect herein.

I have now finiſht what I thought fit to diſcourſe on at this time, and ſhall therefore conclude with this ſhort word.

That till Vice and Profaneneſs be ſuppreſt; till there is more a face of Religion, if not a ſincere profeſſion of the Goſpel; till the glory of God is more regarded; till men be convinced, that they cannot be

true

true Sons of the Church, unleſs they *be* good Chriſtians; till the Government ſhall prefer men as well out of regard to their honeſty and upright converſations, as for any other reaſons: we muſt ſtill expect to meet with difficulties and diſappointments in our Affairs, if not to be over-run by an Invaſion, or to be ruined by our ſelves.

A Speech againſt Aſſerters of Arbitrary Power, and the Non-ſwearers.

I Believe you are all well affected to the Government, and therefore to incourage you to do your part upon this occaſion, I only need to tell you that this is a time that calls upon the diligence and care of every man that wiſhes well to the publick peace.

And I am perſwaded that this admonition is not very neceſſary to be given to you, who I believe are already very ſenſible that we are an unſetled and divided people, and in this you will concur with me, that they are very much to blame who are the occaſion of it.

Far be it from me, to charge any one fooliſhly, and I wiſh it could not be affirmed with ſo much truth, but it is moſt certain that that Party who in the two late Reigns, were ſo induſtrious to ſerve that intereſt that deſigned to ſet up Popery and Slavery, are the very men that at this time are the troublers of our Iſrael.

And that you may the better underſtand them and their deſigns, give me leave a little to look back and obſerve to you the principles upon which they ſeemed to Act.

In the Reign of the two late Kings we had a mighty cry for the Church and Loyalty; but were indeed only diſguiſes for the bringing in of Popery and Slavery, by reaſon that nothing can be more effectual for the bringing in of Popery, than the dividing of Proteſtants; and nothing can make us more arrant Slaves, than the ſubjugation of us to the Kings will.

For the rule then laid down was this, that every man that did not come up to every Ceremony of the Church of England, *tho he profeſſed the Doctrine of it, was not to be deemed a good Proteſtant, but to be perſecuted and treated as an Enemy to the Publick.*

And in the next place, that he only was a Loyal man, that did ſincerely believe, that we muſt in all caſes ſubmit to the King's will; and was not in any caſe to be oppoſed, or reſiſted, and tho he never ſo openly violated the known Laws, yet we were only to defend our ſelves with Prayers and Tears.

This notion prevailed with a great many for ſome time, yet it was not the force of reaſon that gave it ſo much reputation, but Rewards and Preferments on the one hand, and Frowns and Diſpleaſure of thoſe in power on the other, together with all the other incouragements and advantages that the Government could give it; and ſo might any thing, tho never ſo nonſenſical, obtain for a while, when ſo ſupported.

But let it be fairly reaſoned, and it will appear that nothing is more diſtructive to the end of Governments than ſuch an unlimited power: Conſidering with all due reſpect to Kings, that they have their frailties and paſſions as well as other men.

I cannot believe that he who is the most indulgent of Arbitrary Power, can be of opinion that God Almighty made mankind to be miserable; and if so, how can that and the absolute power of Kings be reconciled; for what can render this life more miserable than to be subject to the passions of a man, who is restrained by no rules but that of his Will; nor does it seem to be consistent with the goodness and justice of God, to subject a people to such a condition; it's most plain, that he has not left Kings so at large in the exercise of their power, and that what power he has given them, was to protect and not to oppress his Subjects: for otherwise, wherefore do we find such repeated examples of God's displeasure against those Kings that have tyrannized over their Subjects. God is a God of Order, and has ordained that Order and Peace shall be the end of every Government; but, is the way to obtain this, by giving scope to the unruly passions of a man? It's the King's protection that gives him a right to our subjection; for when he denys his protection, we may withdraw our obedience, and when the King's protection, or the Subjects obedience ceases, nothing but confusion can ensue.

If God had ordained that every people should be subject to the will of their Kings, he would either have expresly revealed his pleasure therein, or discovered it to us by the light of Nature. But no such revealed Will is to be found, and the light of nature tells us that nothing is more unreasonable than such a power.

But put the case, that King's are made by Gods immediate direction; yet it is scarcely less than blasphemy to conceive, that where he does so visi-

gave his power, that their actions shall not have such a temperament of Wisdom, Mercy, and Justice, as in some measure to resemble him, whom they represent: for otherwise it would make him the Author of Confusion; yet in our late times, all the infringements of the Laws that were made by those two Kings, was called a divine right.

And in the next place, he would have provided some means, by which the people should have known what would be the Kings Will, for where there is no Law there can be no Transgression; for otherwise the people would have been in a sad case: For they could not in such a case be allowed the use of their reason; neither could they know when they were in the right, for whilst they do a thing with never so much Reason and Justice, the King's fancy may make it Criminal; and indeed to govern a people any other way than by known and certain Laws, is to suppose mankind to be a company of Brutes, and not reasonable Creatures.

It's blasphemy to suppose that any of God's commands are unjust, and yet has he given us express rules to be the measure of our obedience to him, and can it then be supposed that he has subjected us to the will of our fellow Creature, when he would not require from us such a blind obedience to be paid to himself, unless we can believe that the ways and commands of a King are more equal and just than God's.

If there was a People before there was a King, as no doubt there was, then will it be a difficult undertaking to prove that Kings have a just right to Arbitrary Power: and I know of nothing that favours more of nonsence, than to suppose a King without a people.

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If the power of Kings is so unlimited, wherefore did Solomon *say; that oppression would make a wise man mad: For where I have a right, it's lawful for me to make use of it; and therefore oppression does imply, that what is done is against right.*

The standing body of our Laws is a clear proof that the power of our Kings is limited: How come we by Municipal Laws, if we must submit to their will? for who ever looks into our Constitution, will find that it is not built upon an Arbitrary Foundation, but directly calculated to make us a free people.

But if it shall be answer'd me that this Government was the work of some King, and that he directed the form of our Constitution: I do in the first place desire to know who that King was, and in what Age he lived; and in the next place, I say, that he was extremely Wise and Just: and these two other consequences will follow from thence.

First; *That that King did believe that it was not so just and reasonable to govern by his Will, as by those rules which the Law has prescribed, that is, that it was more reasonable that the Law should controul his Will, rather than that his Will should over-rule the Law.*

Secondly; *That every King that governs more by his Will, he is so much less Wise and Just than that King who was the modeller of our Constitution.*

The more effectual preservation of the publick Peace, is the only pretence that a King of England *can have for Governing by his Will; but if he be out of that regard, he will find that the Law has*

provided safer and juster in that case than his Wit can invent, for it's a rule in our Law, that no body is wiser than the Laws: But too many instances have made it plain, that no King ever desired to rule without the Law, but that he might imploy his power to an ill end: and those then that incourage arbitrary inclinations in their Prince, are guilty of all the Oppression and Violence that he shall commit.

The Law is the best hold both of King and people; for it's their mutual and only interest; which soever of them lets it go, will have much ado to preserve themselves: for never did any stand long that parted with it; when the King forsakes the Law, he ceases to be King, and makes room for another that is more righteous than himself: and therefore, because he endeavoured to set his will above the Law, was the late King James set aside, and I am perswaded with all the Justice in the World.

Thus I have indeavoured in a few words to detect the unreasonableness of this arbitrary Doctrine, and indeed the great Asserters of it at last discovered what was the true principle that guided them; they had very honestly prescribed a rule for others which they could not practice themselves, like the Pharisees, who were reproved by our Saviour for laying heavy burdens upon others, that they would not touch themselves. Our Loyal men were very well pleased with arbitrary power, whilst they might be imployed, and lord it over their neighbours: they little dream'd that the wheel might turn round; for as soon did they see that this power was like to be exercised upon themselves, but they changed their note: all their encomiums

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upon King James, *were turned into the most bitter invectives that their wit could invent, and their threatnings, which they used to breath out against the Dissenters, were turned into words of Unity and Reconciliation.*

I will not affirm that the mercenary principle of preferment made them so zealous for Prerogative, but this is most certain, their zeal never abated till they saw that other people were like to come into play: and then they were as forward as any to explode the Doctrine of Non-resistance, and to wish success to the Prince of Orange. *But since King* William *does not think fit to employ them, nothing will serve their turn but King* James. *And because they cannot for shame talk any more of their unshaken Loyalty, they have wholly laid aside that word, and now their mouths are filled with nothing but the Church: and considering that they refuse the Oaths, and endeavour to throw all the contempt they can upon this Government, therefore in their sense the Church and this Government are two distinct interests: and King* James, *a professed bigotted Papist, is more likely to support the Church, than King* William, *who is a Protestant: and thus they demonstrate their care for the Church: and if it was because King* William *would not employ them, I can't imagine why they should be so averse to him, unless it is, because his Government is more Just and Mild; and that he Governs more by the Laws than any of the four last Kings.*

Gentlemen,

Your inclinations to the Government is not to be question'd yet in regard it has been indeavoured to be so much traduced, it may not be improper to say some thing of it.

Every King of England *receiving and holds his Crown upon condition, to Govern according to the known and approved Laws of Land: for by what means soever he may come to the Crown, he can hold it by no other means than by making the Laws the measure of his Power: and when he forsakes that good old way, he ceases to be King, and Male Administration is a forfeiture of his Crown. This was the opinion of our forefathers, as appears by the many instances of those King, that have been Deposed, for their evil Government: And those who have succeeded them have still been acknowledged and obeyed as rightful, and lawful, tho the other were alive. For when the Throne is vacant, it naturally comes into the hands of the people, because the original dispose and gift of the Crown was from them, therefore whoever they place upon the Throne, has as good a right to be there as the first King that wore the Crown.*

No Government can want a power to help it self, and therefore when the King has set his will above the Laws, what other means has the people left, but their Arms: for nothing can oppose Force but Force. Prayers and Tears are our proper applications to God Almighty, but signifie but little with an Arbitrary Prince, who will be rather confirmed

ses his purposes, when he finds that he is like to meet with no other opposition.

But this opposing the King with Arms is not justifiable, for every wrong step, or miscarriage of the Prince, save only in cases of extremity, which is obvious to every man, that the King has cast off his affection to the Common Good, and set up his will in the place of the Law, and thereby rendered himself unfit to sway the Scepter.

For this reason was King James *deposed, and therefore in this present Government justified to the last degree, by very good reason, and the constant practice of our Fore-fathers in the like case.*

For long before King Charles *died, the Nation was very apprehensive of the mischief they should be exposed to, if in case the Duke of* York *should get into the Throne, and he had not long been in possession of the Crown before he convinced the world, that those fears and apprehensions were not groundless, for he quickly became so exorbitant in the exercise of his power, that the Nation grew very uneasie under him: whereupon the Duke of* Monmouth *landed in order to deliver us from that which the Nation had so much cause to fear; and it did not please God to give him success. Yet I am perswaded, it was not by reason of the justness of King* James's *Cause that God permitted him to prevail for some years, but that he might fill up the Measure of his Iniquities, and all the Earth might see how justly he was Deposed.*

To recount the particulars of his Male-Administration, would take up too much of your time, and therefore I will only say this in short; That

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he had so unjustly broken the Constitution of his Government, to set up Popery and Slavery, than the Nation was necessitated to rise in Arms; and by as good right did they take the Diadem from his Head, as he ever had to claim it: for he having rendered himself unmeet to sway the Sceptre, the Crown thereby fell into the hands of the people; and wherefore could they so well and properly dispose of it, as to set it on his Head that so generously and opportunely came in to our assistance, at a time when the Nation lay gasping, and just ready to expire with the weight of Popery and Arbitrary Power.

What horrible unthankfulness to God, and ingratitude to King William, is every man professing the Protestant Religion guilty of, who is dissatisfied with the present Government? For I would ask any of them what else could have been done, to bring us to a settlement, unless the retaking of King James, or that which would in effect have restored him.

Does any man believe that King James is fitter to govern than he was? Is he a less Bigot in his Religion, or better inclined to the good of England; nay, may we not rather expect the contrary from him, that he will come in all the rage and fury that the deepest revenge can dictate to him, thinking of nothing but Fire and Faggot, to burn up all before him.

And therefore can any man desire the return of King James, but such as have actually made their terms with him, or else do hope that he will accept of their submission; but whatever terms they may make for themselves, they can scarcely secure it to

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their Posterity; and does he deserve the name of an English man, or good Christian, that will give up his Posterity to save himself; and much less can he pretend to it, who will sacrifice his Country and Religion to the will and pleasure of his Prince.

How must he divest himself of all manner of humanity, that implicitly will execute such unreasonable Commands King James *will lay upon every man that must expect any quarter from him, for every man that will not be aiding and assisting to his business, will certainly be treated as an Enemy.*

There are a sort of people who may well be suspected, if not already ingaged, yet very melt disposed to join with any thing that will destroy this Government; and they are First, *such as refuse the Oaths.*

Secondly, *Such as have taken the Oaths, but swear to this King, as only King de facto, and to live peaceably under the Government.*

Give me leave to think that both these are much more to blame than the Papists, for the Papists, pursue their interest, whilest they endeavour to restore King James, *and destroy this Government, but these other professing themselves Protestants, may be compared to* Solomon's *foolish Woman, that pulls down her House with her hands.*

As to those who have not taken the Oaths, I suppose they will not say in their own excuse that they have not, because like the Quakers *they scruple the taking of any Oath, and therefore it must be because they don't believe this to be a lawful Government; and if so, tho I won't call it a down right opposing of it, yet I will presume*

to

to say that the next step beyond this can be no other than directly to fall upon the Government; and I cannot comprehend why they have done this, if they don't intend to go further, if herein they have acted like rational Creatures, that is, to do it for some end; and since they have thus separated themselves from the interest of the Government, they must confess if, they have any ingenuity, that this is a very mild Government; and that the King is a very merciful Prince that will afford them his protection, who will not own him, for they will not find in their celebrated Doctrine of the divine right of Kings, and Passive-Obedience, that they ought to expect the common protection and privilege of the Government, when they won't engage to defend it, and therefore it is not easily comprehended, wherefore they do behave themselves with so much assurance, and even to glory in what they do, unless they expect some sudden turn of Affairs; or that they think themselves so very much in the right, and have so much virtue and resolution as to endure the utmost extremity that can befall them: but as the first is not much to be feared, so their insolent behaviour does not argue that they are altogether acted by a Principle of Conscience; and I will not condemn all of them, since I believe they may make it matter of Conscience to refuse the Oaths; but if they would have the world to think so, they should behave themselves so quietly and modestly as men that are guided purely by their Consciences.

As to those that have taken the Oaths, but swear to the King, as being only King de facto.

They

They seem no much honester than those that have refused the Oaths, and are equally dangerous; for the taking the Oaths in that sense, is a juggling with the Government; for it is to make the King a King and no King, to make him a King for a time, and paying of him a temporary Allegiance, for it is expresly to declare that some body else has a better right to the Crown than he, and whenever that other person comes in sight, their Allegiance to this King ceases, and their living peaceably under the Government, amounts to no more than that they will live peaceably till they have an opportunity to do otherwise, and no longer; so that they don't submit to this Government, because they believe it to be a lawful one, but that they may serve themselves of it, and be sure, which side soever is uppermost, and by this principle they may swear to any Government, tho never so unlawful.

Upon the whole matter, Gentlmen, *you see how watchful an eye ought to be kept upon this sort of men, notwithstanding they have the Church so much in their mouths.*

The French *had lately a design to land upon us, and I believe they still hover about our Coasts, for some such purpose, but they will not make such an attempt, without the expectation of being take by the hand, and who are so likely to joyn with them as those who don't allow this to be a lawful Government; and it so falls out, that those who are now secured upon this occasion, are either such as have not taken the Oaths or else have sworn to this King as King* de facto.

But since these men talk so much of the Church, I would be very glad to be informed how it comes to be in danger, and why they are so much the more concerned for it, than the rest of mankind.

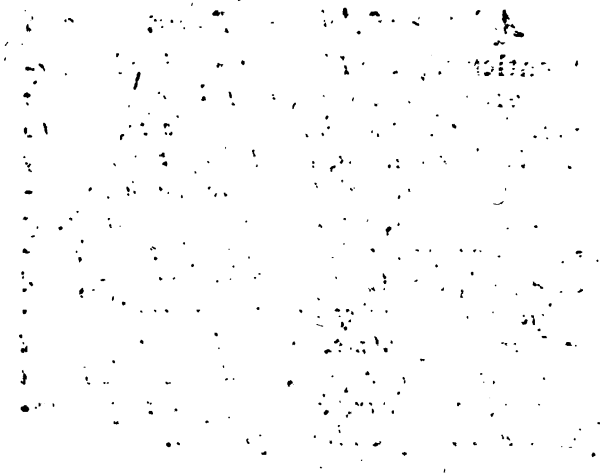
I know not well what Church they mean, but the Protestant Church of England *is not so much indanger'd by any thing as by them, for till its dues and rights are withheld from it, or other violence is offered to it, I cannot imagine why any one should say it is in danger. But nothing is so dangerous to the Church, as when men of loose debauched lives, set up for its chief supporters, and when the name of the Church is made use of as a Stalking-horse to serve the designs of a self-seeking Party: for when this party of men have nothing else to urge against those things that tend to our settlement, they generally cry out it's against the Church, so that it's hard to know what Church they mean; and this I am sure of, that I will never be of that Church, that is to be supported by King* James *and a French Government.*

In short, Gentlemen, *if you know of any that have spoke contemptuously of this Government; have said the King is only King* de facto, *and have sworn to this Government only to live peaceably under it, or have said that within such a time there will be a change, or any other thing that tends to disturb the Government, you ought to present it. If any Parson or Vicar, not having taken the Oaths, has officiated at his Benefice since the 2d of* Feb. *last, you ought to present them: for it is as much an offence, in them to officiate when they have not qualified themselves, as if they had never been presented, and their contempt is very great.*

Gen-

Gentlemen, *Tho I have not mentioned any other parts of your business, yet I know you will not neglect them: that which I have spoke to, does so immediately concern us, that I thought it necessary to inlarge upon it. And since God has so wonderfully delivered us, we could never answer it, if we do not our parts; for if we perish through our own neglect, our blood lyes at our own doors, and we deserve the burial of an Ass, if we dye like Fools: but I trust we shall not, nor do I suspect you will be remiss in your parts, and therefore I will trouble you no further, but dismiss you to your business, and I pray God direct you in it.*

A PER-



A Perſuaſive to UNION, UPON King *JAMES*'s Deſign to Invade *England*, in the Year 1692.

PEace in a Nation, is like Health to a Natural Body, whoſe Value is not ſufficiently known, but by the want of it. God Almighty is wonderfully gracious to this Land, not only in continuing to us the Bleſſing of Peace, but teaching us the Worth of it, by letting us ſee the Nations round about us at War, and groaning under all the miſerable Effects of it, whileſt it is kept at a diſtance from us, and we are only at ſome Expence; which is unavoidable, all Circumſtances conſidered, unleſs we will ſubmit to that Monſter the *French* King; and indeed God has done ſo many and great things for us, that nothing is wanting to compleat our Happineſs but our ſelves.

Of all the Mercies this Nation has lately receiv'd, I think our Deliverance from King

James was none of the leaſt, if it be a Mercy to be deliver'd from Popery and Slavery: That we were in great danger of it, I think 'twas very evident, from what we had ſuffer'd, and King *James* had apparently further deſign'd to do, had he been let alone a little longer; for his Government was become ſo exorbitant, that Men of all Perſuaſions, many of the Papiſts not excepted, did think his Yoak intollerable, and that it was highly juſt to be relieved againſt his Oppreſſion. For when the Prince of *Orange* Landed, there was ſcarcely any Man that appear'd for King *James*; nay, a great many of his Army deſerted him; which coldneſs and neglect, could not probably proceed from any thing ſo much as from the ill opinion they had of his Cauſe. Now if any that were then ſo indifferent and paſſive, have now conceived a better opinion of him, it may well be ſuſpected, that a particular pique or ſome ſiniſter byaſs guided their Motion at that time; and if ſo, it's no matter what ſide they are on; for thoſe who are govern'd in ſuch Caſes by any thing but a publick principle, are eaſily turn'd about by every breath of Air.

Nor can I imagine what can give any Man a better opinion of King *James*, than he had of him before he went into *France*; the only place, as he ſays, he could retire to with ſafety, conſidering how improbable it is, that any inſtructions which that Tyrant may give him, will make him leſs

leſs inclined to Popery and Arbitrary Power.

I ſuppoſe it is no news to you, that King *James* did lately intend to Land with a *French* Force; I am perſuaded that moſt people believe it, they that don't may as well doubt whether there was a Gun-powder Plot; for it is as plain as a thing of that nature can be, which has not actually taken effect; and it is as certain, that he and thoſe his good friends had been here ſeveral weeks ſince, had they not been kept back by thoſe Eaſterly Winds which continued ſo long. Yet that did not break their meaſures, it only delay'd the matter; for at laſt they were ready to put all things on Board, but were happily prevented by the wonderful Succeſs of our Fleet; for which the Name of the great God be prais'd.

The defeating of their deſign is a Mercy never to be forgotten; for no deſign, that we know of, that was ever form'd againſt this Nation, could be more bloody and deſtructive than this would have been.

For King *James* in his Declaration, does expreſsly ſay, *That his intent is to ſpend the remainder of his Reign, as he has always deſign'd ſince his coming to the Crown.*

Theſe words ſpeak a great deal of Comfort to *England*; for they cannot mean leſs, than what he has already done. When he took the Cuſtoms againſt Law; Carried on Sham-plots, by his countenance and bribery, to deſtroy honeſt and worthy Men; When

he bereaved the Corporations of their Liberties and Franchiſes; When he turn'd out Judges for acting according to their Conſciences, and filling the Benches with the Raff of the Gown; When he avowedly ſet up Popery, and erected publick Chapels in all parts of the Kingdom; When he placed notorious Papiſts in the Seat of Juſtice, and brought a Jeſuit into his Councels, which was more than any Popiſh Prince, but himſelf, ever did; When he ſet up a High Commiſſion; When he ſet up in Time of Peace a numerous Army to the Terror of his Subjects, and allowed ſo little for their Quarters, as it amounted to little leſs than Free-quarter; When he aſſumed a Diſpenſing Power, and declared he would be obey'd without reſerve. Theſe and a great many other Irregularities were the product of his Reign; and it is not very probable that he is brought to a better temper, by any thing that he has ſeen or learnt by his Converſation with the *French* King; and it is as little probable that King would have treated him as he has done, had he diſcover'd in King *James* any diſpoſition to govern more mildly and reaſonably for the future.

How much he is influenced to the contrary, is very evident by deſigning to bring in the *French* upon us; the people of all others this Nation ought moſt to dread: In ſome Hiſtories they are called the Old Enemy of *England*, and very truly may be called the irreconcilable Enemy of *England*: For who-

who ever looks into Story, will find that *France* has occaſion'd more trouble to *England* than all the World beſides; nay, there has ſcarcely been any ill deſign againſt the Nation, but *France* has had a hand in it, as if their very Climate did neceſſitate them to be at Enmity with us: If any of our Kings has deſign'd to enſlave us, they have entred into a Confederacy with *France*, as the People of all others moſt likely to ſerve their purpoſe; and it has always gone ill with *England*, when our Kings have made an intimate friendſhip with the *French* King, as we may remember by woful experience. Let us conſider beſides, that no People in the World are ſo noted for Treachery and Cruelty as the *French*, of which they have given ſuch pregnant inſtances in their new Conqueſts, and the Proteſtants of their own Nation, as were never done by the moſt barbarous and uncivilized People; for after terms agreed on, and a ſubmiſſion thereupon, and without any new provocation, or other occaſion given on the part of the conquered, the *French* have fallen upon them, taken from them that little that was left, and in cold blood murder'd them, ſparing neither Age or Sex: And ſhall not we then think our ſelves in a comfortable Condition, when we have ſuch Task-maſters as theſe ſet over us? But it ſeems that theſe are they, by which King *James* hopes to be reſtored; by them he will do his work, and they are the Inſtruments he will imploy to

make the ſettlement he deſigns here in *England*; for in his Declaration, he plainly tells us, That if thoſe he brings over with him are not ſufficient, he has more of the ſame ſort ready at hand. Now, though a reconciliation with King *James* were practicable, could there be any Moral aſſurance that he would ſacredly keep his Word, and that he had more juſt and righteous Intentions than heretofore? Yet to come in ſuch company, and bring ſuch a train along with him, makes it impoſſible to all thoſe who have not abandon'd all Senſe of Religion and Morality, and are not reſolved to run into all the exceſſes of Cruelty and Oppreſſion; and I ſhould think the very thought of it, ſhould be abhorred by every Man, that values himſelf upon the title of a honeſt Man or *Engliſh* Man.

But that nothing might be wanting to give ſucceſs to this fatal Enterprize, ſeveral perſons in *England*, I believe ſome in every County, were not only privy, but conſenting to it, and had prepar'd Horſe and Arms to aſſiſt the *French* at their Landing; yet of what Profeſſion or Communion they are, I forbear to name, and leave that to be explain'd when the Government calls them to account; and therefore only ſay in general, That they who could ſo take the *French* by the hand, may well be ſuppoſed to have renounced the Proteſtant Religion, and abandon'd all bowels to their Country and Poſterity, and are reſolved to keep pace with

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the *French* in the murders and havock they ſhall commit: for they would render themſelves ſuſpected by being never ſo little remiſs or backward, and thereby turn part of the Invader's fury upon themſelves; for being once ingag'd, there is no looking back, but at the price of being involv'd in the Common deſtruction.

After all this, what theſe Men will call themſelves, I know not, for they cannot pretend to the Name of Proteſtants and Engliſh-men.

What they deſerve, that I leave to the Law, which is to Judge them.

What we are always to expect at their hands, when they have opportunity, I think without breach of Charity I may adventure to ſay, is all the miſchief and ruine that our greateſt Enemies would bring upon us.

What we are to do, is to bleſs God for bringing the deſign to light, before it took effect, and to do our beſt endeavour to detect thoſe who are concern'd in this unnatural deſign, that Juſtice may paſs upon them.

For are not they more to blame than any others that were to have had a hand in this matter? Was it not more unnatural and unreaſonable for them to joyn with the *French*, than for the *French* to have ſuch a deſign againſt us? Would not their joyning in it, have been the chief inducement to bring in the *French* upon us? For ſuch an attempt is altogether impracticable, without hold-

ing an effectual Correſpondence here, or elſe to ſurprize us, when we are together by the Ears in a Civil War. So that in effect, it is they that had brought all the deſolation that would have fallen upon their Native Country, if that deſign had taken effect: He that can be conſenting and aſſiſtant to the rooting up of the Proteſtant Religion, and ruine of his Country, what thing can be ſo bad, as that upon the ſcore of Honour or Conſcience he would refuſe?

May not a Man, without being thought ſevere, ſay, What profligate wretches are theſe? what accommodation can be made with ſuch perſons? and what ſecurity from them can be hop'd for longer than they want opportunity to hurt us?

Is it not then the duty of every Man that has any concern for his Religion or Property, to do what in him lies to diſcover and bring theſe projectors of our ruine to Juſtice?

Perhaps you may not receive any clear information, ſuch as will legally convince any perſon of being ingag'd in the deſign I have mention'd; But you may receive ſuch information as will convince any reaſonable Man, that they are concern'd in this or ſome other foul practice againſt the publick Peace.

Thoſe who have refus'd the Oaths to this King and Queen, cannot be ſuppos'd to be altogether unconcern'd for King *James*:

But

But if any ſuch have lately provided themſelves with either Horſes or Arms, is that which ought not to be paſs'd over unregarded: it muſt be for ſome purpoſe that they had ſo furniſht themſelves; for people do not uſually put themſelves to that expence, but when they have a proſpect of making uſe of them: Their refuſing the Oaths is evidence ſufficient that they did not deſign thoſe Horſes or Arms for the ſervice of this Government: then it will naturally follow, that it was againſt the Government; for there is no Medium in ſuch preparations betwixt being for or againſt the Government; he that is not for us, may reaſonably be ſuppoſed to be againſt us.

If any perſons who have not taken the Oaths, and had Arms, yet upon a rumor for ſearch for Arms have either convey'd them away, or before that, had diſpers'd them into hands that are not well affected to this Government, or elſe not duly qualified to keep ſuch Arms, is that, in my opinion, that carries great ſuſpicion along with it; for what but a ſenſe of their own guilt, could perſuade them to convey away or hide their Arms: or wherefore ſhould they put them into the hands of other people, but with a deſign to imploy thoſe perſons in the uſing of them: and then can any Man ſuppoſe, that it was intended for the ſervice of this Government.

There

There is a report of a ſort of people, who for five or ſix Months laſt paſt, have talk'd of King *James* his being here and ſettled in a ſhort time, and of what powerful aſſiance *France* would give him to that purpoſe: If you, Gentlemen, ſhall be inform'd of any ſuch, it is your duty to take notice of it; for it's plain, by what has been lately diſcover'd, that they did not ſpeak without book: they would not make ſuch diſcourſes for want of ſomething to ſay, but to incourage people to ingage in it, and to promote the deſign; for Men do not purpoſely make diſcourſes that will render them ſuſpected, and bring them under the diſpleaſure of the Government, but out of a proſpect of ſome advantage.

I do alſo hear that ſeveral who have formerly taken the Oaths to this King and Queen, have ſince lately refus'd them, when upon occaſion they were tendred to them, and others that wiſh they had not taken the Oaths: If, Gentlemen, you ſhall be inform'd of any ſuch, you ought not to paſs it over in ſilence: for by their refuſing the Oaths at ſuch a time, they have juſtly render'd themſelves ſuſpected to be privy at leaſt to the intended Invaſion of the *French*: It being a vain excuſe to pretend they do it out of Conſcience: for if it was lawful to take the Oaths heretofore, how comes it to be leſs lawful now? but if ſome prudential Conſideration, and not Conſcience, prevailed with them at firſt to take the Oaths: there

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is then very little reaſon to imagine, that there is more of Conſcience in the refuſing the Oaths at this time, but rather that they are making fair weather againſt ſome expected revolution; for otherwiſe, why of all others, was this time pickt out to diſcover an averſion of Swearing to this Government?

Gentlemen, If any indeavour to leſſen our late Victory at Sea, and to cry up the Naval force of the *French*, theſe do bring themſelves under the ſuſpicion of being no ill-wiſhers to the late deſign of the *French*: For, wherefore ſhould any deſire to make our Succeſs to appear leſs than it is, if he were not ſorry that we had got the better: And wherefore ſhould he extol the *French* Power at Sea, if his good wiſhes did not attend their deſigns, or elſe did thereby hope to keep up the hearts of his Party, that they ſhould not deſpair, but expect ſome favourable opportunity to put their deſign in execution; for they muſt intend either good or bad to us thereby, and which of them is moſt likely, I leave to every Man to judge.

I have mention'd theſe things, not that I am of opinion that any or all of them put together, without ſome other direct proof, is evidence ſufficient to convict them upon a tryal; for God forbid that any Man ſhould be condemn'd, but upon a fair tryal and clear evidence: But I take notice of thoſe things, as they do render perſons juſtly ſuſpected,

ſuſpected, to be privy to, or approving of the late deſign againſt this Nation: which as every honeſt Man ought to abhor, ſo it is his duty to keep a watchful eye againſt them; for as the deſign was laid very broad and deep, and the ſucceſs of it is of the greateſt conſequence to them, ſo I am far from believing, that they have given it over for a loſt game.

And I am the rather confirm'd in this opinion, becauſe of the incouragement they do receive from the unfortunate diviſions that are amongſt us. I wiſh from my Soul we in this City could begin that great Good and neceſſary Work of Union; I have always deſign'd and indeavour'd it ſince you did me the honour to place me on this Seat; and if I have committed any miſtake in order to it, I ſhall hold my ſelf oblig'd to him that does ſhew me my error.

Thinking often with my ſelf of the beſt means to effect this, Two things have ſtill preſented themſelves to me.

Firſt, That we would for the future ſtudy Charity more, and the Politicks leſs than heretofore we have done; for if Men did ſeriouſly apply their thoughts that way, it would take off moſt of the prejudices they have conceived againſt any upon ſlight and immateral occaſions: or where there is juſter cauſe of reſentment, it will prevent all unneceſſary aggravations; it will keep both ſides in better temper, and diſpoſe the one to a more moderate reparation for the in-

jury

jury he has received, and the other to be more ſenſible of his fault, and inclined to make a reaſonable amends; it would prevent men from being too apt to take offence upon ſlight occaſions: it will make every man underſtand himſelf better; it will diſcover to him whither his principles are true or erroneous; it will explain to many men their miſtake, who through ignorance did thoſe things whereof afterwards they will be aſhamed.

The ſecond thing is, that every man would conſider, how far his princples and actions have a coherence: For it is not profeſſing to be of this or that Principle, but how near he has ſquared his actions to that Principle, that gives any man this title of an honeſt man: For two men of very different principles may be both very honeſt; if ſo be that they are guided by no other byaſs, but that of their principle: For that is only an error in judgment, which is rather to be pitied than blamed; but to act otherwiſe than according to the dictate of their principle, is in no ſort to be excuſed: for that is it, which truly denominates a man a Knave; he that deſires to be honeſt, muſt take heed that he do not deceive himſelf: for men are apt to value themſelves for being of this or that Party, and to flatter themſelves in what they do, becauſe they profeſs the ſame principle with ſome other perſons, who are of undoubted honour and reputation. Theſe things

things are the beſt expedient, that I can yet think on, how far they will go in the matter, every man can judge as well as I; but this I may preſume to ſay, that if people did ſeriouſly reflect upon theſe things they would find ſo much to do at home, that they would have little leiſure to obſerve what people do, or if they ſhould diſcover any thing to be amiſs in their neighbours, their faults would not appear ſo monſtrous and unpardonable as otherwiſe they might.

Of all the ills of the two laſt Reigns, in my opinion nothing was ſo treacherous and deviliſh, as that of making parties amongſt us, that we might become our own deſtroyers; for as it was the ſureſt method to effect our deſtruction; ſo if any thing ſhould interpoſe to prevent our ruin, yet nothing is more difficult than to make up ſuch a breach; and therefore the beſt that could be hoped for from it was to entail upon this Nation heart-burnings, and all the ill conſequences of it; I have the charity to hope that many who helpt to carry on that fatal deſign, did it more out of ignorance, than for any ill intention: I believe that the arbitrary Sermons being delivered as the Oracles of God, might draw in a great many unwary people; others might comply either out of fear, or elſe out of hopes of preferment: But as new light is ſprung up, ſo I hope and wiſh from my heart, that men would walk accordingly: If any man has been in an error, as ſoon

ſoon as he finds it, it's not his ſhame, but duty, as a wiſe and honeſt man, to repent and forſake it; and he that being convinc'd of it, ſhall yet perſiſt in it, will find very few to whom his obſtinacy will recommend him.

If any do think they were in the right, when they ſerved as Bawds to the arbitrary luſts of the two late Kings, I heartily pitty them, for their caſe is deſperate; yet I am perſwaded that none of them would of choice had that power exerciſed upon themſelves, and if ſo they will then grant that what they would not have done to themſelves, is not lawful for them to do or bring upon another: if they ſhall ſtill adhere to what they did, either out of fear, or elſe out of hopes of preferment, they muſt make it appear that this King has reſolved upon the ſame methods that were taken by the two late Kings, or elſe declare that they think that nothing elſe will make him a great and glorious Prince.

Perehaps ſome men cannot bring themſelves to make a publick, or direct recantation of what they have done, or of a ſuddaen to ſeparate from their Party; but yet they may do things ſo by degrees, and ſo fairly too, and without any noiſe, as will teſtifie to the world, that they intend to purſue another courſe.

As for example; if any who were active in the late Reigns, do now meddle very little (if at all) in publick matters, and modeſtly ſtand aſide, as it were to make room

room for others who profeſſed that principle, which brought about this Revolution: This will let every man ſee, that they are now of another temper. But if ſuch perſons do ſtill continue to meet and conſult upon publick Affairs, as heretofore when the power was in their hands, and do bandy, to ſupport every man of their party at any rate, without conſidering their abilities, or any objection that may be made againſt them, on the ſcore of their immorality or unjuſt dealings, but implicitly becauſe they are of their party, reſolve to give them the preference, before any other: This carries a very ill countenance with it. I cannot imagine what they propoſe to themſelves by ſuch diligence, unleſs they hope for or expect to ſee the like adminiſtration again in *England*: for as it diſcovers no ſort of inclination to accommodate differences, ſo they cannot but be ſenſible, it will irritate and provoke thoſe of another opinion.

On the other ſide, I think they are very much to blame, who take unneceſſary occaſions to reproach their neighbours, with what they did in the late times: They that are thus liberal of their tongues, would do well, to conſider, whether they were never guilty of ſome abitrary, or unjuſt action; and whether they have not at ſome time or other done ſomething that has helpt to ſupport ſome of the illegal and unreaſonable proceedings of the late times;

for

for we are all frail, and had need to examine our ſelves before we condemn other people; now if any perſons are guilty in either of theſe particulars, ſilence becomes them much better than reproaching others: however reproaching of men with their faults, is not the proper way to bring them to a right ſence of their errors: whileſt a Sore is rubbed, there's no hopes of healing it; and men are to be inſtructed by reaſon and not railing.

Beſides, railing is ſo poor a revenge, or ſatisfaction, ſo that if I could not have a better I would let it alone, for as I ſhould do my ſelf a great prejudice by it, ſo I would not give my enemy that ſatisfaction, who muſt needs be pleaſed to ſee me torment and fret my ſelf: this I am ſure of, that to be ever and anon twiting people with their faults, can breed no good blood, and I wiſh it has not ſome ill effects amongſt us.

You ſee Gentlemen, I only touch things lightly, and apply them to no body, but leave that to every man as he ſhall find it concerns him; if any thing I have ſaid ſhall do good, I ſhall much rejoyce at it, if not, I hope there's no hurt in mentioning ſuch truths as theſe. For I think I may poſitively affirm, that a Union is abſolutely neceſſary to make us a happy people; and that there is not a more certain fore-runner of a peoples deſtruction, than to ſee them divided into Parties and Factions.

I could proceed into a long diſcourſe upon this ſubject; but that I may avoid being tedious to you, I will apply my ſelf to the particulars of their inquiry.

The firſt of which is High Treaſon, of which there are ſeveral ſorts of ſpecies.

To compaſs or imagin the death of the King or Queen, and that declared by ſome Overt-acts; and all thoſe who in other offences would be acceſſary, before or after the Fact are Principals in this Caſe.

To Levy War againſt the King in his Realm, or to adhere to the King's Enemies in this Realm, or to give them comfort here or elſewhere; but a Conſpiracy to Levy is not Treaſon, unleſs the War be actually levyed; tho the contrary opinion prevailed in the late times, to the murdering of ſeveral worthy men.

To Counterfeit the King's Great or Privy Seal, or his Money.

To bring in falſe or Counterfeit Money, knowing it to be ſuch, to make payment with it.

To kill the Chancellor, Treaſurer, or the King's Juſtices being in their Places, doing their Offices: all Treaſon, *per Stat.* 25 *Ed.* 3. *c.* 2.

To Clip, File or waſh Money, *per* 3 *H.* 5.

To Counterfeit Sign Manual, Privy Signet, or Privy Seal, 1. *M.* 6.

To extol any foreign Power, 1 *Eliz.*

For

For a Priest or Jesuit to come and abide within this Palace, 27 *Eliz.*

To Absolve any from their Allegiance, or to be Absolved, 3 *Jac.*

Petty Treason.

A Servant kills his Master, a Wife her Husband, or a Priest his Ordinary; these are made so Capital, by reason of the power or the Authority they have over them.

FELONY.

EIther against the Person, or Goods of another.

Against the Person.

To kill another, either with Malice expressed or imployed, is Murder without benefit of Clergy.

To cut out the Tongue, designedly to to maim or disfigure another, is Felony without benefit of Clergy.

So is Stabbing, if a Weapon be not drawn, or a Blow given by the party Slain.

So is Buggary with Man or Beast.

Rape.

Manslaughter, is when two quarrel, and before it can be supposed that their blood is cool, they fight and one of them is slain; here is benefit of Clergy.

Chance medly, when by accident a man ſlays another, or in his own defence being aſſaulted: Theſe the Law pardons of Courſe.

Againſt his Goods.

TO Rob on the High-way.

To take any thing privately from his perſon.

To ſteal Horſes.

Deſignedly to burn any Stacks of Corn or Hay.

To Rob a Church.

To break into a Houſe and take any thing thence by day or night.

To Rob any Booth in a Fair or Market, are all Felony without Clergy.

The Acceſſaries to all theſe and other Felonies, do fall within your inquiry: For generlly, where Clergy is taken from the Principal, the Acceſſary, before the Fact, is to ſuffer Death: And good reaſon is it, that he who was partaker of the Crime, and without whoſe concurrence and aſſiſtance it could not have been effected, ſhould fall within the condemnation of the Law.

Petty Lacinary, is ſtealing of a thing under the value of 12*d.* tho it is a ſmall offence, yet the frequency of its being committed, requires your care to ſuppreſs it.

I would

I would in particular recommend to you to take notice of Sabbath-breaking.

And Cuſtomary Swearing.

There are ſeveral other offences, that are inquirable of by you; but I omit to mention them, becauſe I believe your own obſervation will help you therein. Only thus much I will obſerve in general, that whatever is an offence againſt the Publick, falls within your inquiry; and having ſaid this, I will keep you no longer from your buſineſs.

Some Reaſons againſt the Proſecuting the Diſſenters upon the Penal Laws.

I Will offer my Thoughts as to the Proſecuting of Proteſtant Diſſenters, at this time upon the Penal Laws: But what I deſign to propoſe, is only what ſways with me, and not to impoſe upon any Man, but to leave every one to approve or diſlike it, according to the reaſons I ſhall give.

To proſecute them who agree with us in the ſame Doctrines, as it is not practiced in any other part of the World, no, not by the Papiſts themſelves, ſo I fear it will look like a playing of their game for them: For it is confeſſed by the Jeſuits, that they have found it the moſt infallible way to bring in Popery into any place by fomenting the diviſions amongſt Proteſtants: And if a Moderation be ever neceſſary, without queſtion it is at this time expedient, and the Houſe of Commons were of this opinion when they paſſed this Vote *Jan.* 10. 168⅘. That is the opinion of this Houſe, That the Proſecution of Proteſtant Diſſenters upon the Penal Laws is at this time grievous to the Subject;

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a weakning the Proteſtant Intereſt, an encouragement to Popery, and dangerous to the Peace of the Kingdom.

Now how far this ought to be regarded, I leave to every Man to conſider; but to my own particular, there ſeems to be great reaſon and prudence in it, conſidering our preſent circumſtances.

If it ſhall ſo fall, out ſince the making of the Act of the 22d. of this King againſt Seditious Conventicles, that the Diſſenters have not at their Meetings preach'd any Doctrine, but what tends to inſtruct and perſuade Men to do their duty to their God, their King and their Country, then we ought to remember his Majeſties Declaration from *Breda*, April 14. 1660. which I find in print in theſe words;

We do declare a Liberty to tender Conſciences, and that no Man ſhall be diſquieted, or called in queſtion for differences of Opinion in matters of Religion, which do not diſturb the Peace of the Kingdom; and that we ſhall be ready to conſent to ſuch an Act of Parliament, as upon mature deliberation ſhall be offered to us for the full granting that Indulgence.

Though we are unhappy by reaſon of the want of a Law for the uniting of all Proteſtants, yet I conceive that this Declaration of his Majeſty's is a very plain admonition to us, to uſe a tenderneſs towards thoſe who preach ſound Doctrine, and live peaceably with us; and for my part, I have not heard of any to be accuſed for Preaching unſound

Doctrine or Sedition; if there be any ſuch, ſpare them not; but let the utmoſt ſeverity of the Law paſs upon them, and let them ſuffer for evil-doing: But if there is no proof againſt them for preaching Sedition or Rebellion, it's hard to puniſh Men upon a Suppoſition, who worſhip God in a way that may be acceptable to him: And though I can and do conform to what the Church enjoyns, yet I have ſo much charity as to believe that the Proteſtant Diſſenters are in a direct way to Heaven, though they do not uſe the Ceremonies commanded by the Church, provided that they worſhip God in fear, with a good Conſcience, and live according to the Rule of his Word: If they love Mercy, do juſtly, and walk humbly with God: But if a Man, profeſſing himſelf to be of this or that Church, ſhall believe that he may take greater liberty, becauſe of his profeſſion, I fear it will not much avail him at the laſt day: It's the Heart that God regards; he requires Mercy rather than Sacrifice.

The Proteſtants in *France* are at this time under great Perſecution; and if we continue to proſecute the Proteſtant Diſſenters here, what incouragement can they have to come over hither in hopes of bettering their condition, ſince they will be under the ſame circumſtances with our Diſſenters; and if not here, where can they hope to be relieved? And thus their condition is made deſperate.

The

The profecution of Diſſenters at this time muſt be for one of theſe Reaſons, as I apprehend: Out of regard to our Oath, or under pretence of ſerving the Church to aſſiſt Popery; or elſe, becauſe we are perſuaded that they cut off the late King's head: If it be out of regard to the Oath, then it muſt be remembred, that there lies the ſame obligation upon us to all other Laws that are within our Charge; but we are more eſpecially bound to execute thoſe Laws which immediately reſpect the glory of God, and the common Good; and there are ſeveral Laws, which if duly executed, would tend more to the glory of God, than profecuting of Diſſenters: As common Prophaneneſs and open Debauchery, and the great abuſe of Sunday, and prophaning of God's Worſhip by coming drunk to Church; and when the Service is over, return again to their tippling, and ſpend the reſt of the day at that work, and yet think they do very well; they think they can go to their Houſes juſtified, becauſe they can roar and ſwear they love the King and the Church, and wiſh the confuſion of all people who do not with them run to the ſame exceſs: Whereas they are not to be truſted by the one, and are a reproach to the other. And the knowledge of theſe things might eaſily be come at, if we made it as much our buſineſs to inquire after theſe things, and incouraged the Informers thereof as much as we do the Informers againſt the Diſſenters.

The

The second Reason of prosecuting Dissenters, is, Under pretence of serving the Church, to assist Popery; but this is so abominable a piece of Hypocrisie, that, I hope, no Man, who professes himself a Protestant, will ever be guilty of it.

The third and last Reason is, Because we are perswaded that it was the Dissenters who cut off the late King's head: But that can be no inducement, because, first, there is no such publick Judgment passed, for it is not declared who did it; and there are more who believe it was the Papists, than that believe it was the Dissenters; and it's most probable the Papists did it, by reason of the great joy at *Rome* upon the News; and the Papists here in *England* said publickly, That now their greatest Enemy was dead, when their King was beheaded: And besides, there is a very good argument, that the Dissenters hand did not give that stroak, in regard they were chiefly instrumental in his Majesties Restauration, whilest many who called themselves the Loyal Party sate still at home: Or if it were, as some say, that the Dissenters did that fact, yet we cannot justifie the prosecuting of them for that reason, because it would be a breach upon the Act of Oblivion, a Law that was and is so necessary to settle the distractions of the Nation; and he who would destroy that which compos'd our differences, does what in him lies to bring in confusion.

There

There are ſeveral Laws which are not Temporary, nor are they repealed by any other Statutes, and yet are laid aſide as uſeleſs, becauſe the Reaſon of them is ceaſed; and Laws ceaſe when the Reaſon of them ceaſes, as our Lawyers ſay: And if ſo, I cannot tell, whether it is not a very good argument, why the Diſſenters ſhould not be proſecuted upon the 22d. of this King, ſeeing they cannot be charged to have preach'd unſound Doctrine, nor to be guilty of any contrivance againſt the Government.

I wiſh the Church of *England* ſtood upon a broader foundation, and the proſecution of Diſſenters would increaſe the Number of Souls; but truly I have not heard that it has had that bleſſed effect; nay, I doubt it has wrought the contrary way; For the reaſon of it is plain, becauſe the Engliſh people are very inclinable to pity any that are in diſtreſs, nay, though they are puniſhed juſtly, but when they ſee any in trouble on the account of ſome ſmall difference in Religion, they not only pity them, but after a while, do favour their caſe: And if the Laws had been put vigorouſly in execution againſt the Papiſts before the diſcovery of the Plot, they would have found a great number who would have pitied them, though the very name of Popery is deteſtful to the generality of the Nation.

As no Man knows his own heart certainly, by reaſon of the deceitfulneſs of it, ſo it

it is impoſſible for one Man to know anothers thoughts; and if any Man that proſecutes the Diſſenters does it for theſe reaſons that I have mentioned, or for any other, I hope he has a good end in it, and acts according to his Conſcience, and then I wiſh him good ſucceſs.

If I were a buſie Man, in proſecuting of people for Non-conformity, I'll tell you in what method I would proceed; but by this I don't pretend to preſcribe any Man what he ſhould do; if I can govern my ſelf a-right it's as much as I deſire, I don't take my ſelf to be very able to inſtruct others.

In the firſt place I would begin with the Papiſts, becauſe they differ with us in Doctrines; and therefore we and they can never agree, unleſs one ſide yield wholly to the other: I would inquire after the times and places of their Meetings, and watch them ſo narrowly, that they ſhould hardly eſcape me; and I would make it my buſineſs to find out their Prieſts, that the Law might paſs upon them; and this I would the rather do, becauſe I am perſuaded that many Papiſts would live peaceably with us, if there were an effectual Law to keep out the Prieſts; and theſe Incendiaries, I would leave them no reſt for the Souls of their feet, but I would hunt them out of the Country: For by reaſon of not putting the Laws in execution againſt the Prieſts, that bloody Maſſacre happeded in *Ireland*, in which there periſhed at leaſt 200000 Proteſtants.

ſtants. Now when I had perfectly ſubdued the Papiſts, that they might do us no hurt, then I might be at leiſure to fall upon others who did not conform to the Church: And if upon the Informations it did appear, that they preached unſound Doctrine or Sedition, I would not fail to rout their Meetings, but upon every information I would examine whether what was preached was unſound or ſeditious, becauſe the 22d. of this King was made chiefly to prevent Sedition; and as to all other Laws, I would not be wanting in my duty to ſerve the Church: Only as to the 35th. of Queen *Elizabeth*, ſome doubt would remain with me: Firſt, Becauſe the Papiſts are not within that Law, and it is more ſevere than any Law now in force againſt the Papiſts. Secondly, Becauſe I cannot find that any Man has been puniſh'd by that Law; if any have, the preſidents are very few, and that Law was made upon a ſuppoſition of evil practices at their Meetings, as was that of the 22d. of this King; and I am verily perſuaded that the reaſon, why few or none have been puniſh'd by that Law is, becauſe they have not been detected of any Sedition or Practice againſt the Government: But if I did put that Law in execution, I would do it againſt one as well as another, though they made a great ſtir for the Church, it ſhould not excuſe, nay, with me that ſhould be an aggravation of their offence; and I doubt, that there are a great many who pretend themſelves

ſelves very zealous for the Church, and cannot with patience bear with others, who cannot go ſo high as they do, and yet are notorious Offenders againſt this Law of the 35th. of Queen *Elizabeth*.

Now by this method I apprehend I ſhould incur the leſſer cenſure, and that the World would be more apt to believe that it was my concern for the Church, that made me ſo zealous, provided my Life and Converſation were agreeable to that of a good Chriſtian, or otherwiſe I ſhould have much ado to perſuade the World that my End was good, unleſs I led a good life: For whenever any have profeſſed themſelves Zealous for their Church, and their Lives have not been anſwerable to their Profeſſion, in the end it has proved that their Zeal was but a pretended one, to facilitate and carry on ſome ſelfiſh or ill deſign; and of this there are multitudes of inſtances, and not one to the contrary that I have met with; and the reaſon of it is obvious to every Man; for why ſhould he have a real Conſerve for the Church, who by his Life diſhonours God: Neither do I believe that I ſhould convince the World that I was zealous for the Church, if I fell upon the Diſſenters, and did not firſt begin with the Papiſts: For to think that the Papiſts can be good Subjects as Papiſts, and that the Diſſenters are equally dangerous with the Papiſts, proceeds from the ſame Principle, which is a falſe one.

Having

Having ſaid this, I will, in the next place, offer my advice to the Diſſenters; That in regard there are ſuch Laws which ſtand unrepealed, and that many are of opinion that they ought to be put in execution, without examining whether any Sedition or Rebellion is hatch'd at thoſe Meetings, and that thoſe Meetings may be lookt upon as a contemning of the Government, and may give offence; I think they would do very well at this time to forbear their Meetings, at leaſt to be ſo moderate in their Numbers, that it may appear, they do not glory in their Multitudes; and by this Moderation I hope they may induce others to have a better opinion of them; and inſtead of taking them to be Men who practice againſt the Government, they may be found to be Men of Peace and of a good Conſcience, and to be ready to ſtand by the Government againſt the Papiſts and all other Enemies; and then the Government, in due time, may be prevailed upon to paſs a Law for the uniting of Proteſtants.

A

DISCOURSE

Proving the

Reaſonableneſs

OF THE

Preſent REVOLUTION,

From the Nature of Government.

THat our *Religion* and *Civil Rights* were upon the Brink of *Deſtruction*, I believe none doubts, or is Diſpleaſed at our *Deliverance*, except thoſe who were Inſtrumental in bringing on our intended ruine, or do wiſh for an Opportunity to finiſh it. Ever ſince the *Reformation* the united *Council* of the whole *Popiſh Intereſt* has been at work to reduce this Nation to the *Romiſh Yoak*: And firſt they attempted to do it by force, but after many Trials they found that Method was ineffectual, and that nothing could ruine *England* but it ſelf, and therefore all their Wits were imploy'd how they might ſet us at odds amongſt our Selves, that we might become

our own Executioner: And at last they carried their Design very far, for it is not long since that we saw a sort of Men amongst us, who were guilty of as much Folly as *Solomon's foolish Woman*, that *pulls down her House with her Hands*, and had so much ignorance or Villany, as to pretend that all they did was for the *Church* and *Government*, and tho' what they did was never so much against Law, or void of Morality, yet they termed every man *disaffected* who did not cry *Amen* to all their Proceedings; and even most of the *Clergy* (who might have been supposed to have had either more knowlege or Integrity) Preach't up and justifyed in their *Pulpits*, all the *Irregularities that were then practiced*, with as much assurance and Zeal as if they had delivered the *Oracles of God*: Whereas it was obvious to all Men of common Sense, that the Consequence of these things must be to bring in *Popery* and *Slavery*, for it was laid down as undoubted Doctrine, *That the King had a Natural Right to the Crown*, and *That the King was not to be opposed in any case*; the sum of all which is, *That the King may commit all manner of Oppressions, and we are bound to submit to it for Conscience sake*; which if found Doctrine, would make God Almighty unjust, and the Author of Confusion, contrary to what he has declared of himself in *Holy Writ*.

Perhaps not rightly understanding the true Nature of Government might occasion those Mistakes, and I have that Charity for a great many, that I do believe they were led out of the way for want of true Information in the

Point

Point, and therefore, for the rectifying of their Judgments, and confirming of yours, I will with your leave, give my Thoughts in this Matter, by which you will be the better able to Judge of the unreaſonableneſs of thoſe things that have been impoſed upon us in point of our Duty to the Government.

Government in general, and that there ought to be ſome ſort of *Government*, I take to be not only neceſſary, but of Divine Right; but the particular form is a Humane Ordinance, and the *Apoſtle* is my Authority, who has in expreſs terms declared it to be ſuch: For all Forms are equal in themſelves, and that becomes preferable to the reſt, which beſt ſuits the Inclinations of the People, in order to ſupport the *Common Good*: For had God liked any Model or Shape above the reſt, all the Governments under the *Sun* would have been of the ſame Form; for in a thing of that abſolute neceſſity he would not have left the World in the dark, but either have expreſly revealed it, or diſcovered it to us by the light of Nature: But we don't find in *Holy Writ* any ſuch Intimation of his Pleaſure, nor has Nature yet inabled us to find it out; For there never was, nor is not is at this day, any two Governments of the ſame ſhape, but differ in ſome thing that is very Material and eſſential: And if God had thought any one Form of *Government* to be better than the reſt he would not have permitted that of the *Iſraelites*, his peculiar People, to have been altered; but we find that the Model and Form of their Conſtitution was altered and changed no leſs than

five times: So that it is plain that God Almighty left every People (the *Jews* excepted) to frame such a constitution, as well as to the measure of Power of those with whom they intrusted the Administration, as of the Obedience of the *Subjects*, whereby the *publick Peace* might be best preserved, and that the reasonable and just extent of the *Prerogative* cannot be supposed to go further, than what men in their wits, and without constraint would judge was necessary to relieve the Subjects against the extremity of the Law in such Cases as could not be foreseen at the time the Government was agreed on, and because in the two late Kings Reigns, the *Prerogative* was advanced to an unreasonable height, the better to accomplish the Work of *Popery* and *Slavery*; I think I shall not mispend your time if I offer a few Words further upon this Point. There is not any thing in our Law-Books to justify the stretching of the *Prerogative* so far, but it is pretended that *Authority* is found for it in Scripture; and if so, the *Word of God* will justify that Oppression and Violence, that our known Laws will not Countenance; and then it will follow, that the Law of God is not so just and equal as the *Statutes* and Ordinances of Men: And without question it must be very extraordinary, that the *Bible* should tell us any thing of our *Government*, that is not to be found in our *Statutes* or *Law Books*.

I am perswaded that the Holy Scripture was never more wrested to serve a turn than of late it has been to maintain the *Divine Right*

and

and abſolute *Power* of *Kings*, for which theſe Texts are chiefly inſiſted on:

By me Kings Reign: Where the word of a King is, there is Power, and who may ſay unto him what doeſt thou? Let every Soul be ſubject unto the higher Powers, for there is no Power but of God: The Powers that be are Ordained of God. Whoſoever therefore reſiſteth the Power, reſiſteth the Ordinance of God: And they that reſiſt ſhall receive to themſelves damnation: Wherefore ye muſt needs be ſubject not only for Wrath, but alſo for Conſcience ſake.

Theſe and ſuch like Texts of Scripture are to be taken in a limited Sence, or elſe theſe two abſurdities will follow, Firſt, *That God Almighty made the world for the ſatisfaction of the luſt and pleaſures of the Kings that are in the Earth, and not for his own Glory*, whereby he would become the Author of all the Oppreſſion and Violence that they ſhall commit. *Secondly, If theſe Texts are not taken in a limited Sence, they cannot be reconciled with other Places in Scripture*, and thereby God Almighty would contradict himſelf, both of which are no leſs than Blaſphemy to conceive of him: And when theſe are compared with other Texts that do explain them, they will be found to be Arguments to prove that the *Power of Kings is limited by Law*, and the Right which they claim in the Crown is from the *Conſtitution of the Government*, and not by Gods immediate appointment. For as to that Expreſſion, *By me Kings Reign*; he that looks into the Story, will find that theſe Words are not a Declaration of the *Right or Power of Kings*, but are enumerated

amongſt the many and great things that are done by Wiſdom, all which would be too tedious to mention at this time; or if they were declaratory of the *Kingly Power*, yet they are far from leaving Kings at large in the exerciſe of that Power; for the Words that follow in the ſame Verſe, *and Princes decree Juſtice*, do plainly Argue, *That Kings Reign no longer by God than they decree Juſtice*, not when they Govern by their Will, without the Guidance of the Law. So that by this it is clear, that *Kings* and *Governours* are reſtrained within certain bounds and limits of Juſtice, and Right, according to the eſtabliſht Government.

The next thing to which I will give an anſwer, is theſe Words, *Where the word of a King is, there is power, and who may ſay unto him what doeſt thou?*

Every Command of the King, ſo far as it is warranted by the Law, is not to be diſputed, but to be obeyed for Conſcience ſake: And it is the Intereſt of every man to enforce an obedience to it, becauſe it is for the *Common Good*. But that a Man muſt be bound to obey any Commands, whereby no advantage accrues to him or the Publick, and is really to the detriment of both, I no more underſtand, than that a man ought to be his own Executioner in any Caſe. And if the *Commands of the King* are to be obeyed without diſputing the Legality of them; then it will follow, That all his Commands are equally Juſt, or elſe, that his *Fiat* makes that juſt and lawful, which was not ſo in it ſelf, and then by parity of reaſon his Command ſhall make that unlawful which

which was just and reasonable in it self; and at this rate, no man can tell whether he act with or against the Law, till the King has declared his pleasure: Now whether this does not rather confound and destroy the very End of Government, than support it, I leave to every man of common Sence to Judge, and I think tho more might, yet it need not be said to make it clear, that this Text of *Scripture* is far from proving, *That Kings of Right have an unlimited and absolute power.*

Let every Soul be subject to the higher Powers, &c.

I take the meaning of these Words to be this; *That Government in general, is of Divine Institution and that when any People, and those that they set over them, have entred into a mutual Stipulation of Protection and Obedience under such Rules of Policy and Justice, as are not inconsistent with the Word of God; this constitution is hereby so far ordained by God, that it must be submitted to, not only for Wrath, but also for Conscience sake, so long as those in Authority do Govern according to the Prescripts of the Constitution*: And those words must be understood in this or some such like Sence, for if they are taken Literally, then it will follow, *That God prescribed the Model of every Government*; but no such Direction is to be found in *Holy Writ* concerning any Government, except that of his peculiar People, the *Israelites*; and besides, every Government under the Sun would have been of the same shape if God had directed the Model of them; but they cannot be taken literally, because, 1 *Pet.* 2. 13. says, *Submit your self to every Ordinance of*

man for the Lords sake; whether it be to the King as Supreme, or unto Governors as unto them that are sent by him for the punishment of Evil-doers, and for the praise of them that do well: And from these Words I take it to be clear, that it was left to every People to form such a Constitution of Government as best suited their own Inclinations; But if God had more expressly delivered him as to the form of Government, yet that of *Romans* 13. *Let every Soul* —— is no warrant for the absolute Power of Kings, for the 3*d.* and 4*th.* Verses in that Chapter restrains it within bounds, where it says, *For Rulers are not a Terrour to good works, but to the evil.* Wilt thou then not be afraid of the Power? do that which is good, and thou shalt have praise of the same; for he is the *Minister of God* to thee for good, but if thou do that which is evil, be afraid; for he beareth not the Sword in vain, for he is the Minister of God, a Revenger to execute Wrath upon him that *doeth evil.* These Words are as expressly restrictive of the *Kingly power*, as Words can be in any case; where he is to Protect or Punish is positively directed, and not left to his discretion, to call it Good or Evil, according to his power or fancy, but the Execution of his Power is to be guided by the *Rules of Gods word, and of the Government*

If God had prescribed one or more *Models of Government* for the World, yet he would not have allowed that to be lawful in Kings which he has so often and severely reproved and punisht; and under great Penalties he has restrained their Administration within the bounds

bounds of Juſtice and Judgment, and becauſe therein he has only delivered his pleaſure in general, therefore Kings are to ſubmit to ſuch Explanation of what is Juſt and right, as the Conſtitution of the Government has declared: For if this Explanation reſted in the Breaſt of Kings, the *Condition of Subjects* would be worſe than that of Brutes, unleſs Kings were endued with the Wiſdom and Purity of an Angel of Light. If Brutes be ſo chaſed and hunted that they are forced to leave their Native Soil, yet wherever they can find reſt for the Soal of their Foot, they will meet with Food and Lodging, and all other Neceſſaries. But when by reaſon of Oppreſſion and Bondage men are neceſſitated to quit their Habitations and Country, muſt inevitably periſh unleſs relieved by the Charity of others. It is therefore plain that an abſolute Power in any King muſt be gained either by force or fraud, becauſe God has not conferred any ſuch Authority, and it cannot be ſuppoſed that men in their Wits, and without conſtraint, would put into anothers hand a power that may hurt them, when it depended upon their pleaſure whether he ſhould have it or not; for a power in a King to *Oppreſs and Burden his Subjects*, is inconſiſtent with the true Nature and deſign of Prerogative, which was given to the Crown to relieve the Subject, where the Law was too keen, the better to further the publick Peace.

If the *Prerogative* be ſet above the *Law*, it will quickly devour it, for there is no difference betwixt making the King *Abſolute*, and de-

destroying the Law, because then all our Laws and Statutes are only Rules during his pleasure, and a King that desires to sit at ease will not find his reckoning in it, for if the Prerogative be once raised above the Law, he thereby quits his best Title to the Crown, and leaves the decision of the Right to the Sword, and then he that has the sharpest will prove by that Rule, to have the best Right, but he that has a better Title will not claim under the Sword.

What has been said, may in a great measure expose that vile and ridiculous Doctrine of *Passive Obedience and Nonresistance*, which the Example of *David* sufficiently refutes, and no man can pretend to Justify, but either because he wants common Sence, or in hopes of Preferment, will (if he can) outface all manner of Truth. However it was so useful to carry on the Design of *Popery* and Slavery, that all possible ways was tryed to propagate this Doctrine, and all Discouragements put upon those who did any thing to lessen the credit of it: Just like *the policy of the Romish Priests, who forbid the Laity the use of any Books that may give them better Light*; and it is very strange that this Doctrine did not obtain more Credit, considering how it was supported both by the *Pulpit* and *Press*. But God be praised that the Nation preserved its understanding, and that the time is come that the Truth may be spoke in publick.

And I would have stopt, but that I conceive it to be convenient to say something to let you see how senceless and impudent they are who pro-

profess themselves to be Protestants, and yet are dissatisfyed that the late *K. James* is set aside and King *William* placed upon the Throne.

And first I do say, that I thought it my Duty to draw my Sword in the Defence of my Religion and Government, and I did, and do think it as lawful to reject the late K. *James*, as to place K. *William* on the Throne: And I hope to satisfy all that hear me, that the present Settlement is Justifyed both by the Laws of God, of Nature and the ancient Government.

If what is done were rather expedient then lawful, yet one would think that particular persons might acquiesce in what is done by the collective Wisdom of the Nation; I mean the *Lords* and *Commons*, and I shall ever believe that man to be mistaken, who thinks himself either more wise or Just than the two *Houses of Parliament*.

Till the *Prince of Orange* Landed, I am perswaded that most were of Opinion, that we had but this Choice left us, *either to Turn or Burn*, and I am inclinable to think that all such as are for recalling K. *James*, are prepared to turn, and I wish every man that has a mind to have him here again were with him; I know not whether it would be best for them, but I am sure it would be so for every man that wishes well to *England*.

But to speak more home and directly: I take it, That there was a People before there was a King; That they set the King over them for their good; That the Obligation

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of *Protection* and *Subjection* is Mutual: That a King by reason of his *Male Administration* may forfeit his Crown; That the End of Government is *Peace* and *Order*; That it is more for Gods glory for every man to sit safely under his Vine than to be oppressed? That no Government can be destitute of a Power to relieve it self; That the whole is better than a part; That this late Settlement is no new thing, the like having been done in all Kingdoms and Governments.

To suppose there was a King before there was a People, is as ridiculous as to suppose a man to be born before he is begot; or that a man can live without Food, or run before he can go, and it will follow that a King may be a King of nothing, for what is a King if he have no people? Multitudes of other Absurdities will follow, so that I need not say any thing more to it.

And I think the next thing is as plain, that it is for their good when a People sets a King over them; For to what other intent can it be done; all things are done for some end, and a People cannot be supposed to be void of the Principle of *self preservation*, since that is inherent in Brutes and Plants, and nothing that either breaths or grows but endeavours to preserve it self: and can it then be imagined that a People would choose a King for their hurt rather than for their good? Indeed sometimes in Judgment to a People, God has blinded their Eyes in their choice they have made, but their Intention was otherwise.

And I take it to be as clear, that the Obligation of Protection and Subjection is Mutual;

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for the very Nature of all Agreements proves it; for in any thing of that nature, if one ſide be bound and the other at Liberty, it demonſtrates the folly or Raſhneſs of the one Party, and cunning or good Fortune of the other, and cannot ſo properly be called a Bargain as a Submiſſion. Subjection is really an Effect of Protection, and ariſes from it; otherwiſe *Parents* would have it in their choice to provide for or neglect their Children, and tho' their Right is from Nature, and for that Reaſon more Arbitrary than when it proceeds from compact, yet no man will deny, but that *Parents* are bound to Educate and provide all other Neceſſaries for their Children, as far as their Subſtance will enable them, and that nothing can diſcharge them of this Obligation but the Notorious Diſobedience and wickedneſs of their Children: The Nature of our *Allegiance* proves that the *Obligation* is mutual, becauſe the King takes the *Coronation Oath*, before the Subjects ſwear to him, which ſhews that our *Allegiance* is Conditional, and ſuch it is in all regular *Governments*, for what can induce one man to obey another, but that he ingages to protect him; for if I am bound to obey, where I have not an Aſſurance of Protection, then if a *Tyger* or other Monſter could get into the *Throne*, I ſhould then be under the ſame Obligation of Obedience, but the reaſon of this is ſo obvious to every one of common Sence, that I will ſay no more to it.

I think it will not be diſputed, that the End of *Government* is *Peace and Order*, if not

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for these, it must be for *Confusion*, because there is no Medium between *Peace* and *Confusion*; now God could not intend the latter, because he has declared himself to be a God of *Order*, and therefore since all *Government* in general does Originally proceed from God, that Administration is rather an *Usurpation* than *Government* that commands or permits the Disturbance of the Subjects in the Enjoyment or Possession of their Rights and Properties. And therefore it will follow, That it is more for Gods glory, that every man do sit safe and quiet under his *Vine* and *Fig-Tree*, than to be oppressed. *Oppression* intimates a *wrong* or *Injustice*, and God will not Authorize that which he has declared to be unjust; *for just and righteous are all his ways*: *Oppression will make a wise man mad*, which shews that Subjects have a right in their *Properties*, as well as Kings have to their Crowns; If there were not some such Right, there could be no Oppression or Injustice, for Oppression or Injustice, is when that which is anothers Right is detained or taken from him against his consent. If *Naboth* had not had a Right in his *Vineyard*, *Ahab* need not to have Capitulated with him to have it for a Garden of Herbs, neither would God have visited *Ahabs* Family for the Blood of *Naboth*. And I never knew any man to maintain the Doctrine, *That all our Rights and Properties were in the Crown*, but he hoped thereby to encrease his Estate: And few ever pretended to be of that Opinion that were not broken in their Fortunes, or aimed at their Neighbours.

If therefore *Peace* and *Order* is the end of Government, and that it is more for Gods glory, that every man ſit ſafe under his *Vine* and *Fig-Tree*; then it will follow, *That a King may forfeit his Crown by reaſon of Male Adminiſtration*; for otherwiſe it will follow, that God made the World for the Pomp and Grandure of Kings, and not for his own Glory; that there is no ſuch thing as Property, no ſuch thing as Right or Injuſtice, that there are no Laws but his Will and Pleaſure, nor any thing to guide him but his own Fancy.

The CASE.

QUERY,

Whether a Conspiracy *to* Levy War, *is an* Overt Act of Conspiring, *or Imagining the Death of the* King.

IT has been declared in the Affirmative by some modern Precedents; But whether those Judgements did Proceed from Ignorance of the Laws, or to serve a Turn will be enquired into when the time comes, that the *plain English* may be spoke, that is necessary to open and discover the truth of the *Case*.

There are several things which may give occasion to make it be so generally received in the Affirmative, but it has chiefly proceeded from making Distinctions where the Law has not distinguished, which is altogether forbid, if Rules in Law are of any Authority, or signify any thing, for *non est distinguendum ubi Lex non distinguit*.

And therefore this Opinion will easily be refuted by considering these things which follow.

First, *Whether any Court, the Parliament excepted, can Try a man upon an Indictment for High Treason, that is grounded upon Common Law?*

Secondly, *To what end and intent the* Statute 25 Ed. 3 Chap. 2. *was enacted?*

Thirdly, *Whether Conspiring the Death of the King, and Levying of War are distinct Species of Treason?*

Fourthly, *Whether every Law is not to be construed most strictly to restrain the mischief against which it was enacted?*

Fifthly, *What is the true meaning and signification of being provably attainted by* Overt Deed?

As to the first, It seems to be out of doubt, that at this day, there is no such thing as an *Indictment at Common Law* for *High Treason*, tho for other things there is, because there is no Precedent of it since the *Statute* 25. Edw. 3. for every Prisoner that is Arraigned for *Treason*, does commonly demand of the Court, upon what Statute he is Indicted, and it is always answered, upon such a Statute, and the particular Statute is named; Besides, every *Impeachment* before the *Lords* in *Parliament* is grounded upon some *Statute*, and if so, a *Fortiori*; no inferiour Court can try the Prisoner upon an *Indictment* for *High Treason*, grounded upon *Common Law*: For the Law which delights in Certainty, especially in Case of Life, will not allow of an Indictment at *Common Law*, because no Issue can be joyned upon it by reason of the uncertainty.

As to the Second, *To what end and intent the Statute* 25 *Edw.* 3. *was made*. *Edw.* 3. was a great Prince

Prince and Victorious Captain, which gained him a very great Renown, but that which made his Name the greater, and his Fame the more laſting, was thoſe good and beneficial Laws which were enacted in his time, by which he reſtored and beautifyed this Government, which had been defaced, and almoſt deſtroyed by the illegal Proceedings during his Fathers irregular Reign; and of all the Oppreſſions, under which the Nation groaned at that time, there was none that lay heavier upon them than that extravagant Licenſe which the *Judges* took to Interpret, and call any thing *Treaſon*: And this appears by the particular Joy which the whole Land expreſſed at the making of the aforeſaid Statute. For tho' he call'd *Parliaments* very frequently, and none of them prov'd abortive, for every one of them produced good Laws, yet that *Parliament* which was held in his 25*th* Year, did more than all the reſt, and of all the Beneficial Laws which were then enacted, the Second Statute, whereby *Treaſon* was reduced to a certainty, gave the People greateſt cauſe to lift up their Hearts and Voice in Thankfulneſs to *God* and the *King*, becauſe the Jaws of that devouring Beaſt were broken, which had torn in pieces ſo many Families, and threatned deſtruction to the reſt. So that this Statute was made to reſtrain all Treaſons, that may be made by inference or implication, and to limit the *Judges* ſo ſtrictly, that they may not call any thing *Treaſon*, but what is literally ſuch with-

in the Statute; for it is there provided, *That if any such like Treasons shall come before any of the Justices, that they must stay, without going to Judgement, till the Cause be declared before the King and his Parliament.* And all subsequent *Statutes of Treason*, are as so many Confirmations of this Law, for they had been needless, if the *Judges* could have called any thing Treason, but what is literally within that Statute; and that Statute had been made to no purpose, if it had not so strictly restrained the *Judges*. And my Lord *Chancellor Nottingham* was of Opinion, That even the Lords in *Parliament* could not proceed upon an Indictment of *High Treason*, unless the Fact alledged in it were first declared by some Statute to be Treason.

As to the third thing. It never was, nor ever will be denyed, that Compassing the Death of the King, and Levying of War, are two distinct Species of Treason, unless all Treasons are of the same kind; but if there are several sorts of Treasons, then it will follow, that these are also distinct: Because in every Statute of Treason which mentions *Conspiring the Death of the King, and Levying of War*, they are named distinctly: besides, they are different in the manner of Proof, for that which is necessary to prove the one, does in no sort prove the other; and furthermore, the one may be effected, and the other never so much as intended or designed; as that the King may be Murdered and no War levyed, nor intended: And moreover in the

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one Caſe, it is Treaſon as well to intend, as to execute it, without relation to, or being joyned with any thing elſe; but it is not ſo in the other; for it is *Treaſon* abſolutely in it ſelf, as well to compaſs the Kings Death, as to Kill him; But an Intention to Levy War, and the doing of all things in order to it, is not Treaſon, unleſs the War be levyed, except by Miſplication or Inference; and thus much may ſerve to prove that they are diſtinct Species of Treaſon.

As to the Fourth, No doubt, that every Statute is to be conſtrued moſt ſtrictly to reſtrain the Miſchief againſt which it was enacted: For the Uninterrupted courſe of all Judgments and Reſolutions, have been accordingly, and nothing can more directly thwart common Sence, than to make it otherwiſe; and therefore if the State be abſolute, the more forcibly that it is conſtrued to reſtrain the Miſchief, the more truly is the intent of the Statute purſued; for how ſhall any evil be ſuppreſt if the remedy muſt be applyed but by halves: For the Law would then be rather a Mockery than a means to redreſs the Miſchief; if it ſhall not be taken moſt ſtrongly againſt it; either it is, or it is not a reſtraint of the Evil; if it is not, why was it made; If it is, It muſt be underſtood in that Sence, by which the Miſchief or Evil, may be effectually prevented and ſuppreſſed.

As to the Fifth, The Answer will be best understood, by Considering first the Significations of these two words apart, Viz. *Provably*, and *Overt*.

Provably, Signifies *To prove or make good*, by Evidence, Argument, Reason or Testimony.

Overt, has all these Significations, *open*, *clear*, *plain*, *apparent*, *manifest*, *notorious*, *evident*, *known*, *undoubted*, *certain*, *perspicuous*.

This then being the Significations of those Words; what then can follow more Naturally, than that to be provably attainted by *Overt Deed*, is that the Fact must not only be direct, apparent, and notorious to the point, but it must also be proved clearly, evidently, plainly, and perspicuously void of all doubt or obscurity; and those two Words being taken together, do the better Expound each other, and seem to be choice Words culled out by the penners of that Statute, as the most expressive against all Implications and Inferences, which might be made in Case of Treason.

These things being premised, which are as easily proved as alledged, there will remain very little for them to maintain their Opinion, who say, *That a Conspiracy to Levy War, is an Overt Act of compassing the Death of the King.*

The things which are commonly and chiefly

chiefly urged for that Opinion, are theſe two.

Firſt, It would be of dangerous conſequence, if a Conſpiracy to Levy War, may not be interpreted an *Overt Act of Compaſſing the King's Death*, becauſe there is no means left to prevent it, and the Miſchiefs attending it, when the War is Levyed.

Secondly, If a War be levyed, the Death of the King muſt needs be intended, and will certainly enſue if the Rebels prevail.

In anſwer to theſe it may be replyed, That the one of them is but a bare Objection, and that the other is no ſubſtantial Argument, becauſe it begs the Queſtion, and then ſurely that muſt be a feeble Opinion, that has no better a Foundation.

But a more particular anſwer to them, will diſcover the Sandy Foundation upon which this Opinion is built: And it will be more proper to begin with the Second, becauſe in giving an anſwer to that, the other will in a great meaſure receive an Anſwer alſo.

Therefore as to the *Second*, It may be obſerved, that the Death of the King is made ſo certain and neceſſary a Conſequence of Levying of War, that by reaſon of that certainty, a Conſpiracy to Levy War, is an *Overt Act* of Compaſſing the Kings Death: Now therefore; if that certainty will not hold, but that many Caſes may be put, and Inſtances produced, wherein the Kings Death is not intended, nor did it enſue

upon the prevailing of the Party; then is the whole weight and strength of that Argument of *None Effect.*

The *Hugonots* in *France* have heretofore Assembled together in Arms, and tho' they repeated it several times, yet in which of those Occasions does appear, either by the cause of their coming together in that manner, or by the issue of it, that it was Levelled at the *Kings Life*; No, the Cause of their rising in Arms, was for the asserting of their Religion and just Rights; for as soon as their Reasonable Demands were satisfyed, they laid down their Arms more willingly than they took them up; neither did they attempt any thing against the Kings Life, when he was in their power; but after they were answered in those things to which they had Right, both by the Laws of Nature, and the Government, immediately they returned home in peace, and upon all other occasions proved the most firm and Loyal Subjects of all that Kings Dominions, and as this present *King of France* must witness for them, if he will do them Justice.

If the *Protestants* in *France* should at this time take up Arms upon so just a provocation as they now have, it would be very senceless to suppose that they Levy'd the War with a principal Design to Murder the King, and not for the Defence of themselves and their Rights, which are so inhumanly, and against all Law and Justice at the same

ſame time invaded and raviſht from them. Story is full of like Caſes and Inſtances to this; but to ſpeak more particularly to *England*; What was the *Barons Wars*, the anſwer to which muſt be, that they took up Arms to aſſert their Rights and Liberties, which the King, contrary to his Oath, withheld from them, and that it laſted near 40 Years, yet the Kings Death was never intended, nor his Life in any danger, for as ſoon as their juſt demands were anſwered, they put up their Swords, and every man returned home, and pray'd for the life of the King. And out of *Engliſh Story* what one inſtance can be produced, where the cauſe of *War* was declared to be againſt the Kings life, or if that party prevailed, the King was put to death by their general conſent and approbation: For tho' it be true that there are ſome inſtances where they have been Murdered after the War, yet it is alſo as true, that it was by private Aſſacination, and not by the conſent and privity of thoſe who levyed the War, for all thoſe that were concerned in the Murder, were condemned and executed for it as Traitors, as in the Caſe of *Edw.* 2*d* and *Richard* 2*d*. And as for that of *Charles* the Firſt, which is ſo much preſſed and urged, tho' the Cauſe of War had been expreſly againſt his Life, yet as one Swallow does not make a Summer, ſo neither does one Precedent prove the Point; but beſides in that caſe of *Charles* the Firſt, to infer from thence, that the

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Kings Death is principally intended by levying of War, is altogether as weak an Argument, as to say, because a thing falls out by accident, therefore that very thing was the principal Design and Aim of the whole Action: For in that War, those who first took up Arms, did it to oppose the Kings Arbitrary Practices, and tho' he was afterwards put to Death, yet it was altogether against their intent or desire, and most of the Army was against it, and would have prevented it, but that they were at that time so broken into Factions and Parties that they durst not trust one another; for after the Tragedy was acted, those who first took up Arms, immediately upon it laid them down, and were afterwards the chief Instruments in the *Kings Restoration.*

But if the Kings Death is the principal thing designed by levying of War, To what purpose is the War levyed? cannot the King more easily be taken off by poyson or a Private Assacination, to the effecting of which opportunities cannot be wanting, and so with more certainty they obtain their End, and run less hazard in the executing of it, than they would by a War, except they are not content to Murder him, unless they cut the Throats of all those that would defend him: Indeed to do it by an open War, rather than Poyson, or a private Assacination is the more generous way; for they give him warning and timely Notice

tice to look to himſelf, like a generous Enemy, that ſcorns to kill his Adverſary baſely. 'Tis indeed to go round about for the neareſt way. Therefore, a War when levyed muſt be for ſome other intent then to take away the Kings life, ſince when *Engliſhmen* enjoy their Rights, no Prince is ſo great and happy in the Heads, Hearts, Hands and Purſes of his Subjects than an *Engliſh King* is.

But yet allowing that upon every War levyed, the Death of the King would certainly enſue if the *Rebels* prevail, yet this Queſtion does not naturally ariſe, Viz. *Where is that Statute which does in expreſs Terms ſay, that a Conſpiracy to levy War is Treaſon*; For if it be not ſo expreſly and literally within ſome Statute, then it is a *Conſtructive Treaſon*, and conſequently no ſuch Treaſon as upon which the Judges may proceed, if the Statute 25*th Edward* 3*d.* was made to any purpoſe, for that Statute reſtrains all *Conſtructive Treaſons* or none, but if the Judges may in any one Caſe make a *Conſtructive Treaſon*, they may do it in all, and ſo we are left in the ſame uncertainty about *Treaſon* as we were before the Statute 25*th Edw.* 3 was made.

If the *Judges* might Judge upon *Conſtructive Treaſon*, yet it ſeems to be a far fetcht Conſtruction, to make a *Conſpiracy to levy War*, *an Overt Act of compaſſing the Kings death*; for this is not to be provably attainted by *Overt Deed*.

Firſt,

First, Because that *Conspiring the Death of the King*, and levying of War, are two distinct Species of *Treason*, and therefore it would be very unnatural, and too much forc't to joyn these two together, and as it were to unite them, that are so different and diverse, not only in the manner and Matter of Proof, but also in themselves.

For then, *Secondly*, a Conspiracy to commit any other *Treason*, may also be called an *Overt Act of imagining the Kings death*, which was never yet pretended.

Thirdly, A Conspiring of any one *Treason* may be an *Overt Act* of any other *Treason*.

Fourthly, Any other Criminal Act, may as well be called an *Overt Act of Conspiring the Kings Death*.

Fifthly, This is to make it a Treason of it self, for there is very little difference, betwixt calling a thing Treason in it self, and to make it an *Overt Act* of some Treason within the Statute.

Sixthly, A *Conspiracy to levy War*, was not *Treason* at Common Law.

Seventhly, The Statutes of the 23*d* of *Elizabeth*, and the first and 3*d Jac.* 4*th* which make it *High Treason* to Reconcile any to the *Church or See of Rome*, or to be so reconciled, were enacted to no purpose, if a Conspiracy to levy War, is an *Overt Act of compassing the Kings Death*; for what can tend more plainly and directly to levy War, than to perswade the People to renounce their

their *Allegiance to the King*, and to promiſe *Faith and Obedience* to ſome other Power; ſo that theſe and all other Statutes concerning Treaſon, which have been made ſince the Statute 25*th Edw.* 3*d.* are as ſo many Confirmations of it, and prove that the *Judges* can call nothing *Treaſon*, but what is literally ſuch, within that or ſome other Statute.

Eighthly, My *Lord Cook* ſays, *That a Conſpiracy to Levy War is not Treaſon, unleſs the War be levyed in facto*, and queſtionleſs his Opinion is very good Law, becauſe in many Caſes, it is not Treaſon to levy War, and a *Fortiory*, a *Conſpiracy* cannot; for look into the Statute Firſt of *Queen Mary* 1*th*, where it ſays,

If any Perſons, to the Number of twelve or above, being aſſembled together, ſhall intend, go about, practice or put in ure, with Force and Arms unlawfully, and of their own Authority, to change any Laws made for Religion, by Authority of Parliament, ſtanding in force, or any other Laws or Statutes of this Realm, or any of them the ſame number of twelve or above, being commanded or required by the Sheriff of the Shire, or by any Juſtice of Peace of the ſame Shire, or by any Mayor, Sheriff, Juſtices of the Peace, or Bayliffs of any City, Borough or Town Corporate, where any ſuch Aſſemblies ſhall be unlawfully had or made, by Proclamation in the Queens Name to retire, and repair to their Houſes, Habitations or places from whence they came, and they, or any of them, notwithſtanding ſuch Proclamation, ſhall

continue together by the space of one whole Hour, after such Commandment or Request made by Proclamation, or after that shall willingly, in forcible and Riotous manner attempt to do or put in ure any of the things above specified, that then, as well every such abode together, as every such Act or Offence, shall be adjudged Felony. And if any person or persons unlawfully, and without Authority, by ringing of any Bell or Bells, sounding of any Trumpet, Drum, Horn or other instrument, or by Firing of any Beacon, or by malicious Speaking of any Words, or making any Outcry, or by setting up, or casting of any Bill or Writing, or by any other Deed or Act, shall raise, or cause to be raised, any persons to the number of twelve or above, to the intent, that the same persons shall do or put in ure any of the Acts above mentioned; and that the persons so raised and assembled, after Commandment given in form aforesaid, shall make their Abode together, in form as is aforesaid; or in forcible manner put in ure any of the Acts aboveſaid: That then all and singular Persons, by whose speaking, deed, act, or other the means above specified, to the number of twelve so raised, shall be adjudged Felons. If any Persons to the number of forty or above, shall Assemble together by forcible manner, unlawfully and of their own authority, to the intent to put in ure any of the things above specified, or to do other Felonies or Rebellions, act or acts, and so shall continue together by the space of three Hours after Proclamation shall be made, at or nigh the place where they shall be so assembled, or in some Market

Town

Town thereunto next ajoyning, and after Notice thereof to them given, then every perſon ſo willingly aſſembled in forcible manner, and ſo continuing together by the ſpace of three Hours, ſhall be adjudged a Felon.

The things provided againſt by this Statute are plainly and directly a levying of War, yet are they declared to be but *Felony*. But it may be objected, that by Statute 3*d*. and 4*th Edw*. 6. Theſe Offences were made Treaſon, it is very true, yet it does not alter the Caſe, but rather proves the Point; For firſt, it being made Treaſon by Statute, proves that it was not ſo in it ſelf. Secondly, Becauſe in the two next ſucceeding Reigns it is declared to be but *Felony*, for the Statute of Queen *Mary* is confirmed by Statute 1*ſt*. *Eliz*. 16. and therefore the Argument is the ſtronger, becauſe thoſe two Queens were of different Religions. Thirdly, Becauſe when a thing is declared an Offence by Act of *Parliament*, and is afterwards made a leſs Offence, it proves, that it was not ſo great an Offence in it ſelf, but that the neceſſary Circumſtances of Time and Affairs, require it ſhould then be ſuch.

But the Caſe is yet ſtronger, becauſe, in ſome Caſes it may be but a Treſpaſs to levy War, as it was in the Caſe of the Earl of *Northumberland*, 5*th Henry* 4. He did actually raiſe Forces, and ſuch as was taken to be a levying of War, for which he was queſti-

questioned before the Lords, and tryed for *High Treason*, but tho' the Lords did believe the Fact, yet they adjudged it but a Trespass, because the Power raised were not against the King, but some Subjects. This precedent seems to carry great weight in it, first, because it is a Judgment given in the highest Court of Judicature, and Secondly, Because it was given so soon after the making of the Statute. 25*th Edw.* 3. and therefore they must be supposed to understand the meaning of the Statute full as well as succeeding Ages.

The Case of those who aided Sir *John Oldcastle*, might be also urged if there were occasion, but what has been already said is sufficient, yet one Clause in that Statute 25 *Edward* 3*d* is not to be passed over in silence, because it puts the matter out of Dispute, and the Clause is as follows;

If percase any man of this Realm ride Arm'd, covertly or secretly, with Men or Arms against any other, to Slay him, or Rob him, or take him, or retain him till he hath made Fine or Ransom for to have his Deliverance, it is not the mind of the King nor his Council, that in such case it shall be adjudged Treason, but it shall be judged Felony or Trespass, according to the old Laws of the Land of old times used.

This proves, That altho' the Statute had made it Treason, yet that it was not so in it self, and therefore it will follow, that if a War may be levy'd, which is neither

Trea-

Treaſon nor Felony, ſo it is unnatural that a Conſpiracy to Levy War ſhould be conſtrued to be an *Overt Act of Compaſſing the Kings Death.*

Thus the Second thing Objected has received a full anſwer, and likewiſe the firſt in a great meaſure, but to put all out of doubt, a few words ſhall be added to give a compleat anſwer to the firſt alſo.

If the Conſequences on all hands be duely conſidered, the danger will be found to lye on the other hand, yet be it as great as it can be pretended, let it be conſidered, that the Law has ſettled the point, and ſo it muſt ſtand, till by the ſame Authority it be alter'd, for the Rule in Law, is not to be forgot, *Nemo Legibus Sapientior.* It is to be pretended, that out of a tender regard, that the Law, and all Subjects ought to have for the Kings Life, that a Conſpiracy to Levy War, is taken to be an *Overt of Compaſſing the Kings Death.* To this it may be anſwered, by way of queſtion; How comes it about, that this Age ſhould have a greater care and tenderneſs of the Kings Life, than our Forefathers had? Can it be Imagined, that they did not underſtand the Nature of the Government as well as we do, nor did know of what Conſequence to the Publick, the Preſervation of the Kings Life is? Can it be thought that they did not duely weigh and conſider the conſequence on all hands? Yet however were there never ſo many Defects in it, ſeeing it is ſettled by Law, it cannot be altered but by the

ſame Power, for if it may, then let the Conſequence be duly conſidered of leaving it in the Breaſt of the Judges to rectify the Miſtakes or Defects, be they Fictions or real, for then, when a turn is, to be ſerved the Law ſhall always be defective, and ſo in effect they ſhall *Legem dare*; Treaſon will then be reduced to a certainty, that is, if the Judges pleaſe, otherwiſe not. There will be no need of *Parliaments*, for the Judges ſhall both declare and make Law. What will all our Laws ſignify, tho' made and penned with all the Wiſdom and Conſideration that a *Parliament* is capable of; if the *Judges* are not to be tyed up and guided by thoſe Laws, it renders *Parliaments* uſeleſs, and ſets the Judges above a *Parliament*. They can undo what the other has done; the *Parliament* Chains up ſome unruly Evil or Miſchief, and the *Judges* let it looſe again. But beſides, where is this dangerous Conſequence as is objected? Indeed there had been ſome weight in the Objection, had a *Conſpiracy to levy War* been left wholly unpuniſhable, but the Law has provided a puniſhment commenſurate to the Offence, and tho' it does not extend to Life, yet is ſufficient to deterr Men from the Commiſſion of it; yet if a *Conſpiracy to levy War is to be puniſht in a high degree*, as a *War* when levyed, this would be to puniſh Thoughts as highly as Deeds, which if it be juſt, yet it is *Summum jus*.

VVhere

VVhere the Law has provided a Puniſhment for an Offence, the *Judge* can paſs no other Judgment upon the Priſoner, no no more than the Executioner can execute the condemned Perſon, in any other manner than according to the Sentence paſſed upon him, without incurring the Guilt of Felony; for the one is but the Officer to declare or promote the Law, and the other the Miniſter to Execute it.

Therefore, upon what has been ſaid, this concluſion will follow, that no man can (before the Judges) be Convicted of Treaſon, unleſs the Fact be expreſly and literally Treaſon within ſome Statutes, and he be thereof provably attainted by ſome *Overt Deed*, and conſequently a *Conſpiracy to levy War* is not an *Overt Act of Compaſſing the Kings Death.*

REASONS
For an
UNION
Between the
CHURCH
And the
Diſſenters.

WE have at this day many things to lament and complain of: and there is nothing that is a greater cauſe of General Sorrow than the Rents and Diviſions that are amongſt *Proteſtants*: It is confeſſed on all hands, that the only way to repair theſe Breaches is, that both ſides muſt yield; but who muſt lead the way, is the firſt queſtion, and to that I think there is a very Natural Anſwer, which is this. That they who have the Care and Guidance of the Church,

ſhould by their Condeſcention in ſome things that are *indifferent*, give a good Example to induce Diſſenters to come up to be more conformable; for they that are the Guides are to lead and not to follow: As if there be a New Law made, whether they that are to ſee it duely executed, ſhall firſt put it in practice, or elſe neglect it till it be done by the Rabble; and in this I conceive there is no difficulty, neither can there be any doubt in the other. And there is yet a further Reaſon of it; for what hopes have *Proteſtant Diſſenters* to affect an Union, by coming up to ſome things, ſo long as they ſee the Biſhops are ſo far from parting with One Indifferent Ceremony, that they are dayly re-aſſuming ſeveral things that the firſt Reformers had caſt away: ſo that they are at no certainty; for what know they but when they have conformed to all that is now *injoyned*, then ſhall other *new things* be impoſed upon them? So that without queſtion, it is neceſſary that the Biſhops do begin the work; and methinks they ſhould ſtrive to have the *Honour of ſo Famous an Undertaking*, as to be the *firſt Authors of Uniting Proteſtants*; and it is to their *Reproach* that they have delayed it ſo long.

It is true there is an *Objection* made againſt remitting any Ceremonies, which is this; *That Diſſenters are not yet reſolved what they would be contented with; and therefore if you comply with them ſo far as they deſire, all things would be brought into confuſion, and the Church would*

would be laid deſolate; and therefore the Ceremonies are to be kept to preſerve Order and Unity in the Church.

I do acknowledge that *Order and Unity* are very neceſſary to be maintained; but ſurely that is not the right way to preſerve Order and Unity in the Church, by making things neceſſary that are indifferent (if that be the worſt that can be ſaid of them) to keep Thouſands out of the Church; and methinks that man ventures very far, who will make that neceſſary for which he has no Command from our Saviour, or the Apoſtles. I do alſo acknowledge, that there is no great hopes to bring in all Diſſenters; but though I cannot gain all, yet ſhall we not bring in as many as we can? and he that has conſidered it without prejudice, cannot but be of Opinion, That if Three or Four things were taken away, or left *ad libitum*, that ſeveral thouſands would conform, and be very good Sons of the Church. And theſe things which they deſire not to have impoſed on them, are not *Fundamentals*, and if they were taken away, would leave the Doctrine of the Church as ſound as before, and the *Diſcipline* perhaps more pure, becauſe it would come *nearer to the Primitive Inſtitution*; which perhaps is that that makes the *Morſel* ſo bitter to their *Lordſhips* the *Biſhops*. But beſides this, theſe ceremonies which *diſſenters* find fault with, are old *Popiſh Ceremonies*, and retain'd by the firſt reformers to bring in the *Papiſts* that were inclinable to turn; and beſides it had been as *dangerous* to have taken away all at a clap,

for Q. E. had ſeen the bad effects of a ſuddain thorough change both in the time of her father, and her ſiſter Q. *M.* and therefore ſhe would not pretend to build *Rome* of a day, nor to take it down the next, but ſhe *proceeded* by *degrees* as ſhe found the people would bear it: For its a *dangerous* thing to preſs any thing againſt the ſtream of the Nation, and who e're he be that thinks to carry it, will find himſelf *Groſly Miſtaken*: Therefore ſhe was forc't to keep in Many of the *Popiſh Ceremonies*, the better to unite the People; and if that was her deſign in retaining theſe *Ceremonies*, then without queſtion we have no further occaſion for them, becauſe the deſign is at an end for which they were retained: And no man can be ſo ſenſeleſs as to think that the firſt reformers had done all that was to be done, but that they left ſome thing for them that ſucceeded to finiſh: They had Marked out the work, and have done a great deal towards perfecting of it, but yet they left a great deal to do for them that came after: And I wiſh it were alſo conſidered, that in regard the firſt reformers retain'd theſe *Ceremonies* to bring *Papiſts* into the Church; why ſhould not we have the ſame Charity to lay them aſide, and bring in *Proteſtant diſſenters*? Ought not we to have the ſame bowels of Compaſſion that they had? As for my own particular, I can comply with every thing that the Church does Command, but it cannot but trouble any good man to ſee his brethren ſhut out

of

of the Church, becauſe he has not on ſuch a ſuit of Cloaths, or will not bow to this or that Poſt: The Kneeling at the Sacrament, I wiſh there be not too much Idolatry in it, and bowing to the Altar is of the ſame peice; but I believe there are *Thouſands* who have never conſidered theſe things ſo far, or perhaps not at all; who are very averſe and do not conform, becauſe they Savour of Popery; for the temper of *England* is bent againſt *Popery*, the name of it is diſtaſtful to thoſe that know not what it is: Therefore it is plain that it is not for the good of the Church that theſe Ceremonies are not layed aſide, and the Biſhops themſelves do know that the Churches would be fuller if theſe *Ceremonies* were left indifferent: But the true reaſon why they contend ſo ſtrongly for *Ceremonies*, it is not to preſerve the Church, but to ſupport themſelves; for they very well apprehend, that their ſloath and neglect of their Cures, would be layed open by the care and vigilancy of many *Pious and able men*, who would conform, if *Ceremonies* were left *indifferent*: And then it would not be ſo eaſy for them to ingroſs ſuch *Multitudes* of Livings and Church-preferments into one hand: They are afraid leſt peoples eyes ſhould be further *inlightened*, and a thorough reformation ſhould be wrought; it is terrible to them to think of reducing *Epiſcopacy* to its primitive inſtitution: They are *ſenſible* that then it will be diſcovered that in the *Primitive* times there was no ſuch thing

thing as an *Arch-Biſhop*, and that it came in with *ſuperſtition and blindneſs*: Theſe and abundance of other things that I could reckon, ſtick on their *Stomacks*, but I will not looſe your time by recounting of them.

In regard therefore that the enjoying of *Ceremonies* keeps *Thouſands* from conforming: I deſire to be anſwered, whether they who ſtickle for *Ceremonies* do not play that *Popes Game* to his greateſt *advantage*, for that which the *Pope* has always made his deſign, is to divide *Proteſtants*, and he knows there is no other way to ruine them but by fomenting differences amongſt them; for all his other devices have proved nothing in *Compariſon* of it.

And yet theſe *Ceremony-Mongers* do ſpeak plain ſometimes; for tho they pretend to be for uniting of *Proteſtants*, yet they will tell you that *Presbyterians* are worſe than the Devil, and the *Papiſts* are to be eſteemed of ten fold better then they ſo that it will out ſlip them ſome times; do they not openly own their deſign, and when e're they mention the Plot; How plainly do they bewray themſelves? with what difficulty are they brought to *acknowledge* the belief of it? But no ſooner was that faction of the *Presbyterian Plot* ſtarted, but preſently they ran away with it as the greateſt truth, every where arguing people into the belief of it: As if themſelves had had a hand in it, or elſe were ſuch well wiſhers to it, that they deſired it might ſucceed: For it is not to be denyed

denyed that no people have been leſs active, if not altogether paſſive againſt the *Popiſh Plot*, than theſe *Ceremony-Idolaters*, and the *Biſhops* themſelves: So that with *Submiſſion* I take it to be plain that *Popery* is at the bottom; And whileſt that prevailes, there is little hopes of uniting *Proteſtants* by our dignifyed *Clergy*; and therefore the *Parliament* muſt do it, if 'ere it be done.

If *Ceremonies* are of that Moment that we muſt ſuppoſe the Church cannot ſubſiſt if they be layed aſide; Therefore I will let that paſs, and humbly offer one thing, that I conceive will conduce greatly to the compoſing the differences that are amongſt us, and I am the more confident to propoſe it, becauſe altho it fail in this yet I hope that thing will appear *reaſonable*. In ſhort therefore it is this, that a *Law* be made to take away pluralities and *non-reſidences*: Not to have any retroſpect, for that I would not do, but to bar them for the future; For by theſe it is that much of our diviſions are increaſed and high laid, and I'le ſhew you how it comes to paſs: They who are bred up to be *Miniſters* are for the moſt part the Sons of ſuch parents, who are not capable of doing further for them than to maintain them at the Univerſity till they are capable to be admitted into a benefice: And when they have done that, they turn them off to provide for themſelves, who poſſibly have not five pounds in all the world, or a Croſs (as we ſay) to bleſs themſelves with;

So

So that being put to ſhift for themſelves, they find it difficult to get into a living, for when any Vacancy is, it is oftener ſupplyed by a Man that is beneficed already than by him that has none. Therefore what muſt he do, he has nothing to ſubſiſt on, he can get no preferment, he muſt not ſtarve; Work he cannot, to beg he is aſhamed, ſteal he dares not; what then is his refuge? There is no way left, but to inſinuate himſelf into the opinion of them that ſeparate from the Church, and to gain approbation, he muſt preach up a new fangled doctrine, and ſo gain to himſelf a people; And theſe he muſt be ſure to keep from the Church by ſpeaking againſt it and telling terrible ſtories of it, to fill them with fear and apprehenſions that they may not come at it; ſo that he is ſure that if he can give them a diſlike of the Church, their benevolences will be the more liberal and certain: Whereas if room were made in Eccleſiaſtical preferments, by preventing pluralities and *non-reſidencies*, young *Clergy men* would not be ſo apt to turn aſide, becauſe they need not diſpair of preferment; I acknowledge this would not wholly cure our diſtemper, but I dare appeale to any reaſonable man, whether it would not go a great way in the work.

But to let this paſs, I will proceed and mention a few things, and then let any man, if he can, Juſtify pluraliſts, and *non-reſidents*; firſt, where do we find in Scripture that

that any one man had ſeveral flocks committed to his care? Nay that of a Biſhop (which if allowable in any, ought to have the over-ſight of many congregations) yet they are confined to one Church, by the primitive inſtitution of them; when the *Clergy* made the work of the Miniſtry their buſineſs: Therefore I would fain be ſatisfied, how it comes to paſs that the work of the Miniſtry is or ought to be leſs the care of the *Clergy* than heretofore: For ſo it is now adays, and it plainly appears by their Coveting Pluralities: For how can he that has ſeveral livings preach at them all; viſit and comfort the ſick, and do all the duties of him whoſe cares it is to watch for their Souls: And how unreaſonable a thing is it for one man to have five, ſix, perhaps more preferments, and five or ſix men of learning and Piety periſh for want of bread? It would make a man begin to think that Church preferments were ordained for theſe *pluraliſts*, and not deſign'd for every worthy *labourer*, who well deſerves his hire; beſides, not to ſay any thing of the *Debauchery*, *Pride*, *Coveteouſneſs* and *contention* of the *Clergy*; what a ſhame is it to ſee how theſe *pluraliſts* make choice of their *Curates*, their queſtion is not, what is he? but how little will he take? as if piety and learning made no Matter; and were not requiſite; and if a good man be preferred to be a *Curate*, it is by accident, and not by deſign: And therefore I humbly conceive that the diviſions of our

Church

Church are not a little *occasioned* by this, and contempt brought upon it: And is it not sad to think that men shall be preferred to the Church, upon the account of interest and not for Merit; This being so plain I will not multiply words upon it, but conclude with this, that every mans *religion* is to do *Justly, love Mercy and to Walk humbly with God, to believe in our Lord Jesus Christ, and not to put our brethren out of the Church, for which God Almighty will not shut Heavens Gates against us.*

od

Of the Abſolute Power exerciſed in the late Reigns, and a Defence of King Williams *acceſſion to the Thone, &c.*

Gentlemen,

THe preſervation of the publick peace is the occaſion that has called us together at this time, in which no man can be remiſs or neglect, when he conſiders that his particular intereſt, as well as his duty, does indiſpenſibly oblige him to do what in him lyes to ſupport it; In order to this, that which is now more eſpecially expected from us is, firſt, To inquire into the neglects of thoſe in whom the Law has repoſed any truſt, and Second, to diſcover thoſe who have broken or violated the Laws, that ſuch criminals may be brought to condign puniſhment. And ſince the execution of the Laws is our proper buſineſs, and that the Laws ſhould have their courſe, is abſolutely neceſſary to the being

being of the Government; It may not be impertinent, as I conceive at this time, to ſay ſomething of the Nature of Government, and particularly of our own conſtitution; or rather it ſeems neceſſary to take all occaſions to explain it, conſidering, what variety of opinions there is amongſt us of that which is or ought to be the Supreme authority or power in *England.*

Many wiſe and learned men have written of the Nature of Government, and given excellent definitions of it; but of all others *Plato* ſeems to me to have done it in the feweſt and plaineſt words, which are theſe: 'Government, or Law, ſays he, is to preſerve 'the huge and indigeſted lump of a Multi-'tude, and to bring all diſorder into propor-'tion ſo as to become an harmony.

And Next to him is; the learned *Aquinas* ſays, that it is a rational ordinance for the advancing of the publick good; Several others have ſpoken to the ſame purpoſe, which I omit, becauſe I will be as little tedious as I can; Two things I have obſerved from hence, firſt, That order and peace is or ought to be the end of every Government; And ſecond, That in every *Government* there is ſome particular principle that runs through the whole Scheme of that Conſtitution, and that as that principle is followed or neglected, ſo accordingly it goes ill or well with the publick; that is, when thoſe who are intruſted with the executive power do purſue that principle, every thing moves

moves regularly, and the Government is firm and ſtable: But when they ſteer by any other Meaſures, the State does unavoidably fall into diſorders and Convulſions; and that whoever he be that is placed at the head of the Government, if he deſires to have the Hearts and Prayers of his People, whilſt he lives, and that after-Ages ſhall bleſs his Memory; It is neceſſary firſt, *That in general he reſolve to Govern well*: And Secondly, *Throughly and rightly to apprize himſelf of that principle that is the Soul of the Government*, or at leaſt that he be adviſed by ſuch as are moſt likely to know it, and will give him faithful Counſel: Otherwiſe, he will be like a Traveller, that in the Night miſſes his way upon ſome large Plain, wandering he knows not whither, and is more likely to meet with ſome diſaſter than to find his way.

Having ſaid this, it is natural for you to expect that I ſhould tell you what that Principle is, which is the Life and Foundation of this Government.

If I am not much miſtaken, and I am verily perſwaded that I am not, I take it to be this. That every Subject of *England* has ſo clear a property in his Life, Goods, and Eſtate, and every thing elſe which he poſſeſſes; that they cannot be taken from him, nor ought he to be diſturbed in the Injoyment of them without his voluntary Conſent, or for ſome Offence againſt the Law. And in the next Place, that there be not a

Failure in *Juſtice*, that is, *That no man be left without remedy where his Right is concern'd, and that every Criminal be puniſht according to the Demerits of his Offence.*

I am apt to believe, that every man will think, that this is very agreeable to Natural Reaſon, and then I don't ſee how it can be inconſiſtent with the *Prerogative* of the *Crown*, altho' I know, that not very long ſince, and I fear yet there are ſome, who carry the Prerogative much higher, placing it above the Law; but nothing, ſave the Iniquity of the times, and the Depravity of ſuch mens Manners could ſupport or give Countenance to ſo ſenſeleſs a thought; For they are very ignorant of the Nature of *Prerogative*, if they think it is a Power to do Hurt, and not to do Good: Certainly the *Kings Prerogative* is to help and relieve the People, where the Edge of the Law is too ſharp and keen, and not a Power by which he may Oppreſs and Deſtroy his Subjects: Men are to be Govern'd by a Power that is guided by Reaſon, unleſs we can ſuppoſe they have no more underſtanding, and are of no greater Value than the Beaſts that Periſh.

It was ſaid by one who was a very competent Judge in the Caſe, as I remember it was Sir *John Forteſcue*, 'That it is a greater Power in a *Prince* to be reſtrained by 'Law, from oppreſſing, than to have an 'abſolute Regal Power.

And ſays another great Author, *The way*

of

of Governing must be both right and clear, as well as is the End: And how this can be expected when a King is guided by no other Rule than that of his Will and Pleasure, I don't see, no more than that a man can depend upon the Weather.

Does not all the Examples of it, that ever were, prove, that absolute Power and Oppression, are inseparable, and the one as naturally proceeds from the other, as the Effect does from the Cause.

It's a Riddle to me, how that Prince can be called *Gods Ordinance*, who assumes a Power above what the Law has invested him with to the grieving and oppressing of his Subjects. May not the Plague, Famine or Sword as well be called Gods Ordinance, since one no less than the other is sent by him, for the Punishment of that People he so Visits.

We may reasonably suppose, that Order and Peace is much rather the End of Government, than Oppression and Violence, because God is a God of Order; and when he sent the greatest Blessing upon Earth, it was Peace: and tho' God was often very wrath with the Kings of *Israel* and *Judah* for their Idolatry, yet the Innocent Blood that they shed, and the Violence and Oppression which they committed, provoked him more highly, and with his severest Judgements has always testified his Displeasure against it.

I could run out into a large Discourse upon this Subject, but I will stop here, because I am perswaded that what I have already said is sufficient to convince any one that is unprejudiced, That an absolute Power is so far from being the Right of a King of *England*, that the exercise of such a Power is unlawful in any King.

I know very well, that in the late Reigns this Doctrine would not have been indured, to have said less than this would have lost a man his head: For whoever would not comply with Arbitrary power, was called *Factious, and an opposer of the Government.* But is it not Nonsence, or very near a Kin to it, to call that Seditious, that is for bringing things into Order, and fr maintaining the Laws and supporting the Government?

Arbitary Doctrine never did any *King* good, but has ruined many, it shook *King Charles* the seconds Throne, and tumbled down his next Successour; and tho' such Kings are left without excuse when ruined, yet I may say they only are not in fault; for their Overthrow is in a great part occasioned by those, who Preach up, and advise the King to Arbitrary Power: Did not other People cocker up and cherish Arbitrary Notions in the Peoples mind; tho' such conceptions might sometimes get into his head, yet they would never Fructify and come to Perfection, if they were not Cultivated by Parasites, who make their Court that way, in hopes to make themselves great

great, tho' with the hazard of their Maſters *Crown*: As it befell K. *James*, whoſe *Male-Adminiſtration* rendred him unmeet to ſway the Scepter; and I am very well ſatisfyed that his Judgment was juſt, for unleſs a People are decreed to be miſerable, which *God Almighty* will never do, except thereto provoked by their Sins, certainly he will never ſo tye up their hands, that they ſhall not be allow'd to uſe them, when they have no other way to help themſelves.

Several *Artifices* were made uſe of in the two late Reigns for the introducing Arbitrary Power. One of which was, to inſinuate into the minds of the People, *That the Succeſſion of the Crown was the chief Pillar of the Government*, and that the breaking into it upon any pretence whatſoever, was no leſs than a Diſſolution of the whole Conſtitution, and nothing but Diſorder and Confuſion would enſue.

This Doctrine prevailed with many, and obtained no leſs than, if the Crown had been ſettled in that Family, by an *Ordinance* or *Decree*, dropt from Heaven, and that every one of that Line or Race had been diſtinguiſht from the reſt of mankind by more than ordinary Virtues, and Indowments of Mind and Body: But we know not of any ſuch Divine Revelation; and happy had it been, if that Family had been ſo ſignal for its Juſtice and Piety; we might then have prayed, *that there might not want one of them to ſit upon the Throne to all Ages.* How much

this Nation is obliged to that Family we very well Remember, for the Wounds they gave us are not yet healed.

Election was certainly the Original of Succession, for as the Living more safely, and with the freer enjoyment of their Goods was the Original Cause that people Associated themselves into a Nation or Kingdom; so for the better attaining that End, did they set over themselves, the best and Wisest of their Brethren to be their Rulers and Governours, and this Administration was trusted in one or more hands, according to the temper and Disposition of the People, in which Authority they continued, either for their Lives, or for one Year, or some other stated Period of time: Where the Government was under a King, he usually held it for Life, and then upon his decease, the People proceeded to a new Election, till at last it fell into the hand of some very excellent Person, who having more than Ordinarily deserved of his Country; they as well in Gratitude to him, as believing they could not expect a better Choice, than in the Branches that would grow out of so excellent a Stock, entailed that Dignity upon him and his Posterity. This seems to be the most natural and Lawful rise of Succession; I don't deny but some Successions have arisen from force, but that was never lasting, for that could not subsist or seem lawful longer than there was a force to support it: Now those that come

come to the *Crown* by the firſt way of Succeſſion, I mean by the conſent and approbations of the People, does it not plainly imply, that they ought to uſe that power, for the good and advantage of their Subjects, and not to their hurt, and enjoy their Crown only upon that condition, no man would ever ſuffer a Monſter to inherit his Eſtate, and Kings are no more exempted from the Accidents of Nature, than their meaneſt Subjects, and it is every days practice in private Families to exclude thoſe that will waſte their Eſtate, and ruine the Family, and if the Reaſon will there hold good, then it is ſo much ſtronger in the deſcent of the Crown, by how much the good of a whole Kingdom is to be preferred to that of one private Family.

Succeſſion is not ſo very ancient in *England* as ſome People may apprehend; till the time of *William Primus*, commonly called the *Conqueror*, it was lookt upon as a very precarious Title: The next in Succeſſion could reckon very little upon the Crown, further than his good Inclinations and Sufficiency to Sway the *Scepter*, did recommend him, it being then very common, not only to break into the Succeſſion, but even to ſet aſide all that Family and Line, when ever it was found that the Publick might ſuffer by their being at the head of the Government; the Publick Good being the only Rule and Conſideration that Govern'd that point.

William Primus upon his Death-bed declared that he did not possess the *Crown* by an Hereditary Right.

Henry Primus in his Charter acknowleged to hold his Crown by the Mercy of God, and the Common Council.

K. *Stephen*, *Henry* 2*d*, *Rich. Primus*, and *King John* all came in by Election, so that till *Henry* 3*d*. there is scarcely to be found any Precedent of Succession; since his time, the Succession has been broke into several times, and the Crown shifted from one Family to another by Act of Parliament, and being so transferred by that Authority, is the greatest Proof that can be, that Succession is a very feeble Title without something else to support it, and I think I may say Defective: For says one of great Authority, *Never did any take pains to obtain an Act of Parliament to settle his Inheritance on his Heirs, except he were an Alien or Illegitimate*; and therefore considering, That by vertue of an Intail of the Crown by Act of *Parliament* in *Henry* the Sevenths time, it is that the four last Kings have swayed this Scepter. I could never understand that Divine Right, that was by some stampt upon their Title to the Crown, or that the Succession was preferrable to the Publick Good.

I have endeavoured to explain this point, the more, by reason that some object against the sufficiency of *This Kings Title to*

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the Crown, because the Succession was broke through to let him into the Throne, as if nothing could give a King a good Title to the Crown but *Succession*: For my part I never saw any reason to be of that Opinion, and if there be nothing but the Interruption of the Succession to object to this Kings Right; if he continue to govern according to the Principle upon which the *Crown* was given him, and according to the laudable Customs of the Realm, I think that every man that wishes well to the Interest of his Country, ought to bless God for this Revolution.

In my poor Opinion, I do not apprehend, that a King who comes to the Crown by Election, should think worse of his Title than if he had come in by Succession, nor that the People should suspect that they hold their Properties and Rights more precariously under a King that is Elected, than under one that claims the Crown by Succession, but rather the contrary. For the People are under a more immediate Obligation to stand by, and support the King they have Elected, than any other that takes the Crown by Succession; and on the other hand, it more highly impowers him, as well in point of Gratitude, as policy, to preserve the good Opinion of the People, by Governing well, than if his Title were by Succession; For I am far from believing that a King who comes in by Election, may make more bold

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with the Laws, than he that claims under any other Title, or that his *Right to the Crown*, continues longer than by his Administration it does appear that his Interest is the same with that of the Nation.

The next Deceit by which the Nation was to be gulled into *Popery* and *Slavery*, was by *fomenting Divisions among Protestants*, and especially about the Terms of *Communion*, making them so strict and narrow as to exclude the greater part of the *Protestants in England*, and four parts in ten of the rest in the World. That this was not to promote Gods Glory and Salvation of mens Souls, but to serve some wicked Design, is clear to me for these Reasons:

First, Because the *Laws against Dissenters* were stretcht and executed beyond their genuine and Natural Intent or Constitution: Where fair play is intended, such Tricks are altogether needless, but dayly experience proves, that when they are made use of, something else is designed than what is pretended. True Religion needs no such Methods to support it, the Nature of which is Peace and Charity: And besides such forc'd Constructions, being nothing less than *Summum Jus*, are abhorred by our Law, and it terms it to be no less than the highest Injustice.

The *Second Reason* for my Opinion is, because that several Laws were put in Execution against the Dissenters, which are plainly and directly made for other purposes,

ses, by which the Law it self suffered Violence, and so made it evident to every man that had a mind to see, that some foul design, and not the Church, was at the bottom of the Business.

Another Reason is this, Because more diligence and care was imployed to punish people for *Nonconformity*, than to reform their Lives and Manners: For if a man was never so openly wicked and debauched, and Scarcely, if ever, saw the inside of a Church, yet if he could talk aloud, and swagger for the Church, & storm against and pull *Dissenters* in pieces; he was cryed up as a good Son of the Church, an honest man, and truly affected to the *Government*; whilst those who could not come up to the Ceremonies injoyned by the *Rubrick*, tho' their Lives in all other respects were upright, and their Conversation unblamable, yet were called Villains and Rogues, and Enemies to the *Government*, as if the outside and Ceremonious part of Religion, was more to be valued than the Substance and Essence of it, which puts me in mind of a *Play*, where this Nonsensical Zeal is very well exposed, *Spanish Fryer.*

I could never yet meet with any precept in all the *Gospel*, that does justify such Proceedings, as I have mentioned, but there are several that expresly condemn it: to me it seems altogether inconsistent with the Charity, which is expected to be found in all those that hope to enter into Heaven, and it seems to be little less than teaching for Do-

Doctrine, the Traditions of Men, and to add to *Gods* word, which is prohibited, under no less a penalty than that of Damnation.

I am far from being against Order and Decency to be observed in the *Church*, yet under that pretence we are not to forget the Rule of *Charity*; and I cannot see wherefore those things should be made Terms of *Communion*; That are not Terms of Salvation.

I was always of that Opinion, that it would never go well with *England*, till every man might worship *God* in his own way, for nothing can be more unreasonable than to expect a man should believe otherwise than according to the Conviction that is upon him: And therefore I cannot but wonder at those who take Offence at the *Act of Indulgence*, which tends so much to our peace by quieting the Minds of People, as to their Religion, which has ever been the handle for our *Intestine Troubles*, the Incendiaries of the State having ever made use of it, as the best pretence to imbroil the Nation; and therefore I for my part do think, the *Act of Indulgence* was a necessary and pious Work; and cannot imagine why any man should think that to be a Disservice to the *Church*, that tends to the Peace of the Nation; they that do, I must believe they are not much concerned in the *Cause of the Church and their Country*, and

and care not what is uppermost, provided they can make fair Weather for themselves.

Therefore *Gentlemen*, if any speak to the Disadvantage of the *Act of Indulgence*, you ought to present them as disaffected to the *Government*, and Sowers of the Seed of Divisions in the State.

But I desire to be rightly understood, I don't say this to diswade any man from coming to the Church, for I go constantly thither my self; I wish every Body could do it as easily as I do, and I wonder it is otherwise, for I never yet heard any good reason for practicing the contrary; yet I think unless a man be satisfyed in that way of Worship, it is better to keep away than to come, for otherwise it is to mock, and not to serve *God*; and on the other hand it is no less a mocking of *God*, when a man from an over Assurance of the gift of Prayer; shall adventure to Pray in Publick, without having before-hand well digested his Matter and Words, and thereby happen to let fall crude & nauceous Expressions, such as would be ridiculous in Conversation; for I am far from believing that Nonsence can be the Effect of Fervency, but rather of Affection, or something that is very despicable.

And here it will not be improper to take Notice of those Persons who go to no Church at all, but spend the *Sunday* in an *Ale-house*, or otherways idle it away very

much

unprofitably. Againſt ſuch as theſe was that Law of *Twelve pence per Sunday* intended, and were it duly put in Execution, a great deal of that diſhonour that is done to *God* by ſuch Prophanation, would be prevented, and the poor would be relieved with leſs charge to their reſpective Pariſhes. I wonder that the petty Conſtables are not more careful to make a true Preſentment at every petty Seſſions, of thoſe that herein offend, the *Glory of God* and their own Intereſt being ſo immediatly concerned; therefore *Gentlemen*, I doubt not but you will do your beſt to reform this great Evil.

The next thing I would recommend to you, is as far as in you lyes, to ſuppreſs that horrible ſin of *Cuſtomary Swearing*. Whereby the tremendous Name of *God* is every day Blaſphemed. It's too true that ſcarcely any man when provokt, or in paſſion, but its too apt to take the Name of *God* into his mouth, and if any of us fall into that misfortune, we ought ſolemnly to beg Forgivenneſs for it; but that whereby *God's* Honour ſuffers moſt, is the *Cuſtomary Swearing*, when men don't think that they expreſs themſelves handſomely, without an horrible Oath or more in every Sentence. Thus the petty Conſtables ought to prevent at every Months Meeting, and if you know any have neglected to do their Duty herein, I hope you won't fail to let us know their Names, that we may puniſh them as they deſerve.

It is a very ſhameful thing to ſee how very much the *High ways* are generally out of repair; the fault of which does moſtly lye at the door of the *Overſeers*, who becauſe they are not eaſily puniſht are very remiſs, and take no further care than to Shuffle the Matter off for their time, being not much concern'd for what comes after, and by this means brings at laſt a great Burthen upon the Townſhip, which would have been prevented by a ſmall thing, if taken in time, and ſo the Townſhip ſuffers for their Neglect. This, *Gentlemen*, is worthy your care, to preſent the Defaults in High Ways.

There are very good Laws againſt Vagabonds, but the Execution of them are ſhamefully neglected, and its ſtrange it ſhould be ſo; conſidering that the Law incourages the apprehending of ſuch idle people; For whoever brings one of thoſe Wanderers before a Juſtice of the Peace, the Townſhip through which he laſt paſt unpuniſht is to pay him two Shillings, tho' this reward carry no weight with it, yet the great Miſchief that thoſe ſort of people bring upon the publick, ſhould make every body Vigilant; It is an incredible Sum that they coſt the Nation in a Year, and how many Townſhips and Pariſhes are oppreſt and almoſt ruined, by the Charge thoſe people bring opon them: It is wonderful, that people ſhould rather chooſe to forſwear themſelves, than do their Duty:

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But ſo it is in this Caſe. If theſe Wanderers were duely puniſht, it would reform many of them, and diſcourage them from following ſo bad an Example, whereas the great remiſſneſs of Conſtables and other Officers in this point, is a great Temptation to many who otherwiſe would think of ſome more lawful Imployment; a neglect and ſlowneſs to puniſh, increaſes the number of Offenders.

A

SPEECH

Of the

Earl of WARRINGTON:

Of Tyranny, Liberty, Religion, and againſt Vice.

Gentlemen,

IT is a very common ſaying, *That Intereſt will not lye*, and yet if you conſider it you will find, that there is ſcarcely any thing more difficult, than to perſwade People to their Intereſt, a thing mightily to be wiſht; becauſe if it were univerſally underſtood and practiced, it is the thing of all others that would make this World a happy place, for then there would be no need of Laws and Magiſtrates to preſerve Peace and good Order, by reaſon that every man would be reſtrained by that Law within himſelf, which is the Foundation of all other Laws, I mean that Principle of Reaſon and Juſtice with which he is Born.

But when man fell from his primitive Innocency, he loſt that guide which ſhould happily have conducted him through this World; and inſtead of following the dictates of his Reaſon, he ſuffered himſelf to be led away by his paſſions; and without any regard to Juſtice, made his Self-Intereſt the Standard of his Dealings with others; which is the direct way to ruine that which he aimed at; for if a man acts without regard of Juſtice to others, he has little reaſon to expect that Juſtice ſhould be done him; for why ſhould he imagine that others ſhould take care to do him right, who has no other Conſideration but for himſelf: So that in point of Intereſt as well as Juſtice, every man ought to have a Mutual regard to the good of each other; and becauſe it is ſo intirely neglected, therefore were Laws made to withold men from committing thoſe Acts of Injuſtice and Violence, which their own Conſciences tells them ought not to be done.

From this depraved Inclination, do proceed all thoſe Diſturbances and Diſorders, that infeſt any Government; and have often been fatal to the whole Conſtitution; There having at all times, and in all places been found thoſe who have been diſpoſed to Sacrifice their Liberties and Civil Rights, to ſerve the deſires and luſts of Arbitrary Princes.

It is ſurely a great Sickneſs of the mind, when a man gives up his Birth-right, in

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exchange for ſomething that depends upon another mans Breath; and he muſt be beſide his Wits, who lightly eſteems his Liberty, which is the thing that chiefly diſtinguiſhes him from a Beaſt; for when a man is a Slave, he muſt ſubmit his Will and Reaſon to the Humor of him who Governs him; and then what difference is there betwixt him and a Brute, only that his Condition is the worſt of the two.

If no body but themſelves were to feel the Effects of the Servile Compliance, the matter were not much, if they periſhed by their own Folly, for why ſhould they expect to thrive better than *Eſau* did, *who ſold his Birthright to ſave his Life*, and therefore, *inſtead of a Bleſſing, received a Curſe*: For can they who reject God's Mercy hope to intail a Bleſſing upon their Poſterity: theſe are the *Sower Grapes* that ſet the Childrens Teeth on Edge, for tho' the Father may be ſo fortunate as to go to his Grave in his Princes Favour, a happineſs to which few have attained, who have purchaſed it by being falſe to their Country, yet it is a *Dangerous Experiment for his Poſterity*, to whom there is ſeldom left any thing more than to inherit the Wind.

Now, If the Miſchief of this Time-ſerving had ended with this ſort of Men and their Poſterity, the *Complaints* againſt it might have been buried with them and their Families, for his Infamy ought to be

had in Remembrance ſo long as the *Sun* and *Moon* indure, who is the Inſtrument of his Countrys ruine; for by this Treachery has whole Kingdoms been brought to deſolation which before were in a flouriſhing Condition? Juſtice was duely executed, full Employment for all hands, a quick Trade, and every man ſate with Security and Pleaſure under his own Vine.

This is ſo deplorable a Change, as no Tongue is able to expreſs, then let every man conſider it in his own Thoughts, and he will diſcover how valuable a thing his Liberty is, even preferable to any thing elſe this World affords; For Liberty is the Foundation of Virtue and Induſtry; what does any thing elſe ſignify without it? For when that is gone, as our Lives and Fortunes depend upon another mans pleaſure, ſo we hold our Religion as precariouſly; becauſe a Prince can impoſe upon Slaves, what Religion he pleaſes. *France* is ſo pregnant an Inſtance of this, that it puts the thing out of Diſpute; For while the *Proteſtants* kept their *Liberties* all was well with them; yet no ſooner was that wreſted out of their hands, but it was quickly ſeen what became of their Religion.

I have always thought, that they began at the wrong End, who reckoned themſelves out of all other danger whilſt they enjoyed the Exerciſe of their Religion; it will not be denyed, but that *Liberty* is a great

great Security to the free Exercise of Religion, but if our *Civil Rights* are assaulted, I don't see by what means Religion can rescue them out of Violent hands: Besides there are many Instances, where Religion has been used as a Stalking Horse to enslave a Nation: For did ever any Man pretend to have a greater concern for the Church than *Charles the 2d.* and yet no man more designed the Ruine of the Nation than he did; which Example may occasion the People to suspect some Design upon their *Liberties*, when the Prince pretends the greatest Care for Religion, unless he be a man of great Morality, and Religion appear in his Life and Practice, as well as in his Words and Promises: For it is scarce passible to inslave a free People by direct Force, and therefore they must be gulled out of their *Liberty*, by Art, and underhand Practice, and there cannot be a better blind (than a pretended care for Religion) to keep the people from observing what is designed against them.

So that if any thing is worthy of their Care, it is their Liberty, and in doing so, you do the part of Loyal Subjects, and good Christians, whereas by the neglect of it, you expose every thing that is valuable; so you also lay a snare in the way of your Prince, thereby tempting him to think of that which otherwise might not have come into his Thoughts.

And this Care is never to be neglected, not even when any thing goes to their hearts Deſire, leſt whilſt you ſpeak Peace to your ſelves, there comes upon you ſudden deſtruction: For a Deſign is more likely to take effect when people ſuſpect no ſuch thing, than when they ſtand upon their Guard.

There are many ways of Working People up into a Security, of all which Promiſes are the moſt fatal; for without Performance they become Snares, and therefore it is upon Actions and not upon words, that a Wiſe Man will ground his Belief or Opinion. Conſider what is done, and not what is ſaid; for whoever he be that is ſo wicked as to have a Deſign of inſlaving the Nation, he will never make a difficulty of promiſing very largely.

If then we ought to take care of our Liberty, how ridiculous is it to talk of Serving the Crown, when by that is meant, *To make the Kings Will and Pleaſure the Meaſure of their Obedience*; it muſt be a mere Nonſenſical Boaſt to talk at that rate, when they have ſtript themſelves of the means of Serving like Rational Creatures; for when men have given up their Liberty, what does all their Service to the Crown differ from that of a Beaſt. The Service that we do for our Prince, ſhould be like that which we render unto God, not a forc't and conſtrained, but a free and reaſonable Service.

So

So that I think I may ſay, That he who hopes to recommend himſelf to his Princes Favour, by ſuch a piece of Service, muſt needs be a very profligate Wretch, and believe his Prince to be altogether ſuch a one as himſelf; For ſuch a deſign is altogether unlawful, becauſe it is deſtructive to the Nature and End of Government, Contrary to the Kings Coronation Oath, inconſiſtent with Reaſon, and a Violation of that Truſt and Confidence which the people repoſe in the King; For as I take it, The Power that is lodged in the Crown, is only a Truſt, and nothing more, for he muſt have that Power either as a Truſt or a Property; and if he holds it as a Property, then no Bounds or Limits can be ſet to it, and he may uſe it as to him ſhall ſeem moſt meet; What will Laws then ſignify? To what purpoſe is the Coronation Oath, and all thoſe other Cautions that are taken to oblige the King to Govern according to the Laws and laudable Cuſtoms of the Realm, and then every Prince that has been Depoſed for committing Violence and Oppreſſion, was highly injured, for there would be no other Standard of Right and Wrong, but that of his Will and Pleaſure: But it is a common Practice, to depoſe Kings when they become a Burthen to the People, that being the proper and only remedy in ſuch Caſes. For let any man tell me, if he can, whether the Li-

berty that remains in the World, has been or can be preſerved by any other Means, than by that Power that is uſed in the people, of laying aſide ſuch Kings whoſe Adminiſtrations become exorbitant. For the Number of ill Kings exceeds ſo much that of the good ones, that Liberty had been before this day ſwallowed by *Prerogative*, without ſome ſuch check; and becauſe ſo very much good or hurt is in the power of the Prince, the value of a good King is ineſtimable.

To be delivered out of the Hands of an Oppreſſing King, is a great Mercy, yet ſuch a price when put into the Hands of any People is ſeldom improved as it ought to be. For *Tacitus* makes this Obſervation upon the Fall of *Nero*, *That the firſt day after the Reign of a Tyrant is always the beſt.* This is a great Truth, and a Rule that has no exception.

For this ſeveral Reaſons may be given, For generally the people are ſo tranſported upon being eaſed of their Burthen, that they neglect to make ſuch proviſions as are neceſſary to prevent the like Irregularities for the Future; either from belief, that no other man will be Wicked to the like degree, or elſe from the fond Opinion that they conceive of him, who was the chief Inſtrument of their Deliverance, truſting that the ſame Principle of Honour and Juſtice that incited him to ſtand up in their Defence, will prompt him to do all thoſe

things

things that are needful to ſettle the Government upon a laſting Foundation: Which was ſomething our Caſe upon the Reſtoration of King *Charles* 2d. only with this Difference, that inſtead of Repairing the Breaches which his Father had made, the miſtaken Loyalty of the Age, helpt to make them wider.

Another Reaſon for *Tacitus* his Obſervation may be this; Becauſe the chief Inſtrument of their Deliverance, altho' he appeared very zealous on their behalf, yet he aimed at nothing but getting the *Crown*; as it was when the *Dauphine of France* came over to aſſiſt the *Barons* againſt King *John*, his Declaration was full of nothing elſe but the *Engliſh Liberties*, yet it afterwards appeared that his Deſign in aſſiſting them, was only to get into the Throne, and not to eaſe the Nations Oppreſſion; ſo that in ſuch Caſes a Revolution does the People no good, for he that has got the Crown, thinks that whatever is done for the Good and Security of the People, is ſo much loſt to him, of what he hoped to get by coming over.

A third Reaſon may be this; Becauſe he may preſume upon the good Opinion the People have of him; ſuppoſing that they will put the beſt Conſtruction upon all he does, and look upon thoſe things to be but Miſtakes, and conſequence of want of Information, which are the reſult of a formid Deſign.

Or elſe, becauſe he may Imagine, that altho

altho' he does to a great degree act over the Part of him, who was thruſt out of the Throne, yet that the People will not feel the laſh ſo ſencibly, becauſe it comes from his hand. This, when ever it happens, is a thing of ſo foul a Complexion, that it deſerves as ill a name as can be given it, and yet I fear there does not want Examples of it.

It is a Miſtake, and a dangerous one, to conſider the Perſon more than the thing that is done; as if the perſon made the thing better or worſe than it otherwiſe would be: Men indeed differ from one another, and do the ſame thing in different ways and manners, but yet every thing is ſtill the ſame, whoever he be that does it; if there be any difference it lyes in this, that the better Reputation he has, who does an ill thing, ſo much the greater is his Reproach, eſpecially it it be a thing that he has reproved and puniſht in another. This Judging the thing by the Perſon, is that by which commonly men deceive themſelves ſo very much, or elſe they would make a righter Judgment than for the moſt part they do.

How happy is that Prince then, whilſt he is on this ſide the Grave, and how glorious will be his Memory, who is not afraid or ſhy to have his Actions examined; that mankind, as well as his own Conſcience, may bear him Teſtimony, that he Governs according

cording to Law, and makes the good of his People the End of his Government?

Before I proceed any further, I would be rightly underſtood in what I have already ſaid; becauſe, poſſibly either through Miſtake or Malice, ſome may infer that I would perſwade you to take more care of your Liberty than of Religion, by reaſon that I have ſaid ſo much of the former. But far be ſo *Atheiſtical* a thought from me; I bleſs God, it never yet entred into my heart, altho' I am not ſo Religious as I ought to be, yet I think our Religion to be more valuable than any other thing whatever, for if God ſhould take away the Light of his Goſpel from us, it would be the ſevereſt Judgment that he could viſit us with, and have therefore preſſed you to take care of your Liberty, as the ſureſt means by which you can preſerve your Religion, and in ſo doing I conceive I have ſhown a Zeal rather than a neglect of it.

It is to be wiſht by all thoſe who deſire the Peace of their Country, *that Religion were more in faſhion than it is*: For no Nation ever did thrive where it was neglected, and it is to be feared, that God will have a controverſie with this Land, if Swearing and Drinking, which are now become ſo common, be not ſpeedily ſuppreſſed, and the Corrupt Manners of the Nation reformed.

But before I ſpeak more particularly upon them, give me leave to obſerve ſomething

thing to you, upon two things which are very injurious to Religion, and yet are done out of a pretended care and tenderneſs for it.

The Firſt is, When *Proteſtants* break into ſeveral Sects, and diſtinct Congregations; and not being content with Worſhiping God in their own way, are uneaſy at all others who follow not with them. Every one being aſſured that they are not miſtaken, that they will not allow any but themſelves, to be in the right; and thereby leave the excellent Rule of Charity; to follow a blind Infallibility.

'Tis true indeed, whileſt we are upon Earth, we ſhall have different Sentiments and Opinions, and it is not poſſible for me to help it, becauſe our Reaſon is ſo ſhort ſighted and Pur-blind: But yet we may all agree to have a mutual Charity for one another; and then every man will be the better for his Religion, and no body will be the worſe for it; For otherwiſe inſtead of promoting Religion, we eat out the Bowels of it, that is, we deſtroy that Charity, without which we cannot enter into the Kingdom of Heaven. But alas! it is come to this, That one is for *Paul*, another for *Apollo*, and a third for *Cæphas*. One asks of ſuch a one, *Is he a Son of the Church?* a ſecond inquires, *Whether he is of ſuch a Congregation?* A third demands, *to know if he follows ſuch a man*, if ſo all is well, and with them he muſt paſs for a good man,

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without examining into his Life and Morals.

But what does all this amount to? am I the better for being of such a man's Opinion, or of such a Communion, unless I am a Doer, as well as a Hearer of the Word? Or what is another man the worse, because I am not of his own Opinion, if he live a better life than I do?

This Zeal for a Party, is a Zeal rather to be reproved than to invite others to the practice of it; for it is not an Argument of Religion, but a sign of *Pharisaical* pride, when a man is uneasy with another, because he worships God in a way different from him. For if any man desire to live becoming the Gospel of *Jesus Christ*, and to that End does daily try and examine himself, he will find more to be amiss there than he can discover in others; and therefore to lead a good Life is the best Argument that any man can use to perswade another to be of his Opinion.

The next thing which is Injurious to Religion, is when the Discipline and Government of the Church interferes with the State, breaking into the Methods and Foundation of it, and to advance the Power and greatness of the Clergy.

This soon becomes Mischievous to Religion; For as it does in no sort prompt God's Glory, or tend to the reforming of Mens manners, *&c.* When the People find their Liberties Crouded, to make Elbow

bow Room for the Clergy, and that the Government of the Church will help to make them Slaves, they will be very apt to abhor the Offerings of the Lord.

And therefore, in all well regulated Constitutions, the *Government of the Church* is moulded according to the Principle upon which the Civil Government ſtands, for if the *Church* were to Model the *State*, Chriſt's Kingdom would be of this World, which he has expreſly told us is not.

Is not that People then in a ſad condition, when, that what is amiſs in the State muſt not be Reformed, for fear of hurting the Church, as ſome do vainly pretend. This I ſay, becauſe I am afraid it is ſomething our Caſe at this time, and ſo the Nation muſt languiſh, to ſatisfy the Imaginations of ſome People who are afraid of their Shadows.

How the Church can be hurt by any Laws that concern the State, is not eaſily to be comprehended, if thoſe Laws Eſtabliſh no other Goſpel than that which was delivered by our Saviour.

Nothing can hurt the Church but it ſelf, and it is never in more danger than when it is in its greateſt Pomp and Grandure.

The deceit of this is very plain, becauſe they that bawl moſt of the Danger the Church is in, have the leaſt of Religion in their Lives, for thoſe who live and underſtand better, ſee the folly of it, as alſo

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that Doctrine of *Passive Obedience, and Nonresistance*, which many cry'd up as the Corner Stone of the Church. A Burden which they were forward to lay upon other peoples Shoulders, yet when it came to their own turn, none was so uneasy under it as they; for when their Rights came to be toucht; No mens Mouths was so full of Liberty and Property as theirs: But now that the Storm is blown over, they are angry that that Liberty is granted to others, which they promised to consent to, and are returned to where they were, in supporting that Arbitary Doctrine, and to that end they are inventing new Titles to the Crown for this *King* and *Queen*, which demonstrates what Steddy men these are, since in the late times they would not allow any Title to be good but *Succession*; yet now they can submit to any other, how contrary soever to Succession, provided they can thereby keep up this Arbitrary Doctrine and get their turns served; and first they find out for this King and Queen, a Title by Conquest.

I hope they are mistaken; for if the case be so, we are all Slaves, and instead of being rid of Arbitrary Power by this Revolution, we have helpt to Saddle and Bridle our selves. For the people that are conquered, hold all they have at the will and pleasure of him who did subdue them.

But how were we conquer'd? did the *Nation* conquer it self? if it did, it was an odd thing

thing and altogether new. Or who was conquer'd? not they who actually appear'd in Arms againſt King *James*, nor thoſe who wiſht him ſomewhere elſe, and that was by much the greateſt part of the *Nation*.

It is ſo ſenceleſs a Notion that it only ſerves to diſcover the ignorance or knavery of thoſe who go about to maintain it. and I ſuppoſe we ſhall hear no more of it, becauſe the *Lords* and *Commons* in *Parliament* by an unanimous Vote have condemn'd it.

The Next thing talkt of is Gods ways of diſpoſing of Kingdoms, whence they would pretend that the King and Queen received the Crown from God Almightys immediate donation.

It is *Blaſphemy* to exclude the power of God in any Caſe; and to exclude the people from having had an immediate hand in beſtowing the Crown, is a new intelligible ſort of *Politick*, for the drift of this Notion is to make us Slaves; by reaſon, That whatever is the immediate Act of God, and a declaration of his pleaſure; Man has nothing more to do, but to yield an intire obedience and ſubmiſſion to it. So that when a King receives his Crown immediately from God, any Proviſions or Limitations that can be made by Men comes too late to circumſcribe his Power.

But is this our Caſe; which way did God declare that this Man ſhould Reign over us? Or who foreſaw upon what Head

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the *Crown* would be placed, till the *Lords* and *Commons* came to a Reſolution in it; and therefore it will follow, That the *King* and *Queen* received their *Crown* from the Hands of the People upon ſuch Terms as they gave it, and God has not done any thing to exempt them from the Performance of thoſe Conditions: However there are thoſe who hoped to make their Court to their preſent *Majeſties*, by ſtarting and maintaining thoſe two Notions, *Viz.* of *Conqueſt and God's ways of diſpoſing of Kingdoms*, with what ſucceſs, I leave to every mans obſervation, and only ſay this; *That it will be an happy Age, when Kings are ſo much diſpoſed to the good of their People, that ſuch Flatterers will meet with no Incouragement from them.*

I come now to ſpeak of *Swearing* and *Drinking*, and I do believe that the horrible Prophanation of *God's Name*, was never ſo common as in this Age. That great and dreadful Name, before which we ought to Fear and Tremble, is uſed with more familiarity than the meaneſt thing you can think on. It is a very unfortunate thing, whenever we take the Name of *God* irreverently into our Mouths, altho' it happen when we are under ſome Provocation, yet it Adminiſters cauſe for Humiliation, and a more

narrow Obſervation of our ſelves for the future, but is in no ſort a Juſtification of us. Therefore, to fill their mouths with horrible Oaths when they are cool and in temper, and to ſwear in common Diſcourſe is a dreadful hearing: And really it is come to that paſs, that men don't think they expreſs themſelves well and modiſhly, unleſs they interlard every Sentence with an Oath or two, and that which is ſtrangely ridiculous is, that ſome cannot ask another man how he does, without wiſhing his own Damnation.

How this is to be remedied is the Queſtion; for ſince it could not be prevented from growing to the height to which it is gotten, it will be ſo much the more difficult to ſuppreſs it; for if in any caſe it can be ſaid, That the number of Offenders is too big for the Law, it muſt be allowed to be ſo in this.

That Law has provided very well for the Puniſhment of ſuch as offend herein, *per Statute 21ſt. Jacob. C. 20. They forfeit twelve Pence per Oath.* If this were duly put in Execution, I am perſwaded it would work a great Cure: Theſe Cuſtomary Swearers would with more warineſs open their Lips, when they found that their Oaths coſt them ſo dear; and I am the rather of this opinion, be-

cauſe

cauſe I have obſerved, That when a common Swearer is in the preſence of any perſon, whoſe Authority or Quality has an awe over him, ſcarcely an Oath ſlips from him, tho' he ſpeaks never ſo much.

And therefore it is very much to be wiſht that Magiſtrates would more ſtrictly inform themſeves of ſuch as offend herein, and give them the puniſhment which their Offence deſerves.

The next thing is the *Sin of Drunkenneſs*, which calls aloud for redreſs, it being now ſo common and univerſal, that People of all Ages, Sex, and conditions are infected with it, to that degree that it is become the Reproach of the *Nation*, which is now as remarkable for this Sin, as it was for the *Excellency of our Government during the Reign of Queen Elizabeth*; And it may be Obſerved, That from the time that this Government began to decay, that this beaſtly Cuſtom took its Riſe, I mean when *Queen Elizabeth's* Eyes were cloſed; for from that time has this Government declined, as if ſhe had been the Life of it, and that when ſhe dyed, it expired with her. For the firſt Statutes now in force for the puniſhing of Drunkenneſs, were made in the reign of *King James the firſt*, and therefore it's more than probable

that till then this Vice was not grown up to a conſiderable Size.

It is ſtrange that men can't enjoy one another without making their Converſation to become a Sin, and that when People meet to be Merry, they think they have left their Work unfiniſht, unleſs they transform themſelves into Beaſts, and ſo great a force has it with many, That they chooſe rather to be clothed with Raggs, than to keep from the Spiggot. It has brought many a man to a Morſel of Bread, who was well to live before he fell into that Sottiſh courſe.

It is not for want of a ſufficient puniſhment, that it is grown to ſo great a height; for *per* 4 *Jacob. C.* 5. *He that is Drunk forfeits five Shillings, or for refuſal, or want of Ability to pay it, to be ſet in the Stocks Six Hours*: And for preventing of ſuch Intemperateneſs, *per* ſame *Statute* it is provided, *That he who remains Tipling and Drinking in any Inn, Victualling-Houſe, or Ale-houſe, ſhall forfeit three Shillings and Four Pence, or be put in the Stocks for four Hours.*

And by the ſame Statute it is provided, *That he who having been Convict of Drunkenneſs, ſhall be again Convict of the like Offence, He ſhall be bound to his good behaviour.*

How this Law comes to lye aſleep, I know

know not, for a Law without Execution is but ſo much Ink and Parchment; and I cannot Imagine wherefore no more are puniſht than there is, conſidering how vaſt a Multitude they are that offend herein, unleſs it be, becauſe the thing is become ſo common, that people don't look upon it as an offence, or elſe becauſe the infection is ſo general, that men think it unreaſonable to have another puniſht for that of which he is guilty himſelf.

But I am ſure there ought to be a Reformation, becauſe the Honour of God ſuffers ſo extreamly by it, and upon a Political account, it ought to be ſuppreſſed: Becauſe, as whole Families are impoveriſhed and ruined by it, ſo Mens Bodies are infeebled by it, and rendered unfit for Labour, and the Service of the Publick.

Inns, Ale-houſes and Victualling-houſes, are for relief of Way-fairing men, Travellers, and ſuch others as cannot otherwiſe ſupply themſelves with Meat and Drink, and not for harbouring of lewd and idle people to conſume their time and Mony in Debauchery as is declared *per Stat. 1. Jac. C. 9.*

The Gains which are earned by relieving ſuch Perſons as the Law allows, are honeſt and juſtifiable, but a Curſe muſt follow what is now uſually got by

Inns and *Ale-houſes*, who can ſuffer People to be Drinking in their Houſes till unreaſonable hours in the Night, nay even on Sundays, and that too during the time of *Divine Service* and *Sermon*, and there to be ſpending their Mony when at the ſame time they know that their Families at home are ſtarving for want of it.

Did *Tipling-houſes* conſider what a Riſque they run, ſurely they would take more Care. For when they receive their Licenſes to ſell *Ale*, they enter into a Recognizance with Sureties *To keep good Order in their Houſes*, , *per Statute* 1. *Jac.* 9. *Every Innkeeper, Victualler, or Ale-houſe-keeper, forfeits ten Shillings, that ſuffers any to ſit Tipling in their Houſes, except Travellers, or ſuch as have not the Convenience of Eating and Drinking elſewhere.*

Per Statutes 7. *Jac.* 10. and 21. *Jac.* 7. It is provided, *That any who ſhall offend againſt the Statutes made againſt Tipling and Drinking, ſhall be diſabled for three Years from Selling of Ale, and beſides a Conviction in any of theſe Caſes, is a Forfeiture of the Recognizance which they enter into when they are Licenſed to ſell Ale.* Such care has the Law taken, but things are at that paſs as if Drunkenneſs were no Offence, or that there is no Law to puniſh it.

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I cannot but obſerve to you, how Providence has order'd things for the puniſhment of *Ale-ſellers*, almoſt in their own way; For tho' Quartering of *Soldiers* without Satisfaction to the Houſes, is a very Illegal and Arbitrary Practice, yet it may in ſome ſort be juſt as to them, they received thereby that Meaſure which they have Meeted to others.

Theſe two things, Gentlemen, I do more eſpecially recommend to your Inquiry, becauſe they do ſo immediately concern the Honour of God, and Peace and Happineſs of the Publick; Beſides them whatever is an Offence againſt the Publick Peace, falls within your Inquiry, and I believe you ſo well know them already, that I will not looſe your time in repeating of them: Nor will all that you or any of us can do, ſignify much, till Debauchery is ſuppreſt, and the Manners of the Nation are reformed; whilſt we bid God Defiance with our Lives and Converſation, we cannot hope for ſucceſs either in our Fleet or Army, let our Courage and Conduct be never ſo great; and tho' the ſupplys we gave to carry on the War, were much greater than they are; if we will not take Warning in time, but go on from Sin to Sin, this War by which we hope to ſecure Peace to our ſelves and Poſterity, may prove our ruine, by Spin-

ning it out ſo long, till the Purſes of the People are ſo Drain'd, and the Nation ſo impoveriſhed, that it will be an equal Choice, whether we have Peace or War, being either Way expoſed to the like Inconvenience. There is ſome great let or hindrance lyes in the way of our Happineſs, or elſe why do we at this day ſtand looking upon one another, like the Sons of *Jacob*, as if we were at our Wits end, not knowing what to think or expect, notwithſtanding the great Deliverances that God has wrought for us; for we have been wonderfully preſerved, but not by our own Wiſdom or Conduct, for we have made no other uſe of thoſe ſeveral Advantages which God has put into our hands, but as if we expected that he would repeat his Miracles to preſerve us: Wherefore he has ſo ſignally appeared on our behalf, no man can determine, yet a Gueſs may be made; for if his Mercies have their proper Effect upon us, by turning us from the Evil of our Ways; he will do more and greater things for us: But if we make him no other return for all his Benefits, than that of an unthankful and hardened heart; Then has he ſhewed theſe great Signs amongſt us, that he may be Juſtified when he Judges, and we be condemned out of our own Mouths; which God of his Mercy prevent, and to that end let every Man do his Duty

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at all times, and at all Seasons; and mind the Publick more than his own particular Advantage. Let neither the Frowns nor Favour of Men, tho' never so great, draw him aside, and then we shall see Peace in our *Israel*. I doubt not *Gentlemen* but you will do your Parts, and this is all that I have to trouble you with at this time.

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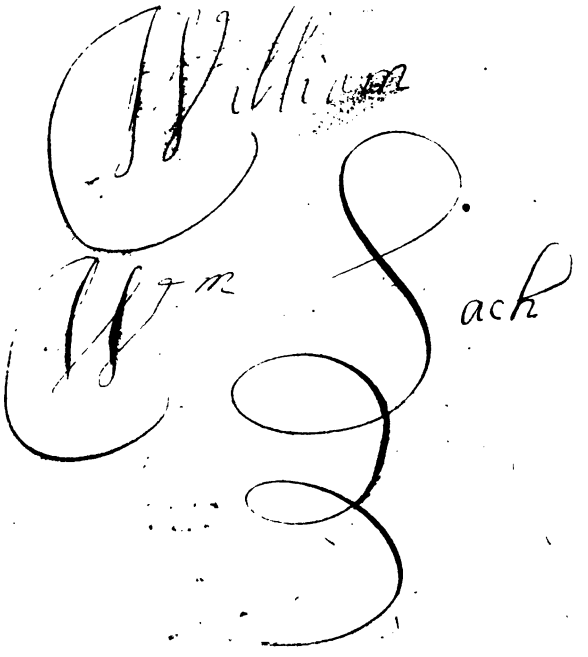

THE LEGALITY Of the *Convention-Parliament*, Though not called by Writ.

IT's a new ſort of Doctrine, That where there is a Power to do a greater thing, there cannot alſo be to do a leſs. The Lords who are born Counſellors to the King and Kingdom, the Members of the *Houſe of Commons* were all duely choſe by ſuch as had Right to Elect Members for *Parliament*: The two Houſes meet at the ſame day, and firſt declare the Throne vacant, and

and then fill it with this King and Queen, and they thus Elected, theſe Lords acknowledge to be our Rightful and Lawful Soveraign Lord and Lady; which is the greateſt thing that the two Houſes are capable of doing, and have thereby, according to the Maxims of thoſe very Lords, altered the Government in a moſt Eſſential point of it; and yet, ſay they, *All Subſequents, tho' with the Concurrence and Conſent of this lawful King and Queen, are invallid, unleſs ſupported by the Authority of this or ſome other Parliament, becauſe the laſt was not called by Writ in due form of Law*: So that the Repreſentatives of the Nation, Aſſembled without a Writ, can only do one thing, and that the higheſt, to make a King: And by like Reaſon, If when Aſſembled by Writ, can do every thing but the greateſt: But it is againſt all manner of Reaſon and Policy, to ſuppoſe that the Power that can make a King, cannot do every thing elſe that is neceſſary to ſettle the Government. If thoſe Gentlemen had underſtood the true meaning of Writs, and been ſo ingenious as to confeſs it, they would not have made that an Objection againſt the Validity of the laſt Parliament.

Writs are neceſſary in their proper time, but not ſo neceſſary as to give the

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Essence to a Parliament; for if there be any weight in this Reason, a Writ is as necessary as the Consent of the Nation, by their Legal Representatives to Establish any thing into a Law. Writs can amount to no more than the Means by which the Parliament is concerned.

It will be granted that the present Writ of Summons was Established by the Government, and not by the King, and it cannot be deny'd, that wherever the power of the Government rests, it may, if it see Cause, direct that Parliaments shall be convened in any other manner, or by any other means than by Writ.

For it is not the Writ that makes a man a true Representative, but the Election of those who have right to choose for that place; For otherwise the *Sheriff*, or other Officer, might have return'd whom he saw good, and Elections would be needless. But the Law has more expressly shewed, that it is the Election that makes the Person a Right Member, and so consequently, the Election of the People, is that which gives the Essence to a Parliament, because the Law has under greivious pains commanded, That Election shall be free. And since the Con-

Conſtitution of the Government makes choice of Writs, for the Convening of the Repreſentative Body of the Nation, why was not the Parliament as duely concerned, and the Acts they paſſed as good, ſince it was impoſſible to be Summoned in due form; and theſe Gentlemen might as well have inſiſted, That a Nation may want a Power to help it ſelf, as to object againſt the Validity of the laſt Parliament, becauſe called without Writ.

By the Weight that they lay upon a Writ, they do ſeem to make a Writ more neceſſary to a Parliament than our Allegiance is to the Government, and if that be ſo, that which is only a Circumſtance in the Government, is more to be regarded than what is neceſſary to the Peace of it; But to grant that Abſurdity, What is it that has given the Sanction to theſe new Oaths, that our ſitting and Voting in Parliament has not put us under all the Diſabilities of 30 *Caroli*, for we are certainly within that Statute, if the laſt Parliament had not power to alter thoſe Oaths; and if it had, what elſe they did is as valid; for all, or none of thoſe Acts are good.

If

If it be deſtructive of the Monarchy, to declare thoſe Laws to be good, it may be alſo ſaid to be alike deſtructive, when the proper and only means to ſupport it is made uſe of: For the Nation had no other way left of coming to a Settlement.

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A

RESOLUTION

OF

Two Important Queſtions:

I. *Whether the Crown of* England *be Hereditary.*

II. *Whether the Duke of* York *ought to be excluded.*

SIR,

THE Queſtions that you have propoſed to me are of ſuch a nature, that they require a very ſtrict conſideration, becauſe they are of the greateſt moment in our preſent condition; and therefore you have done me a great honour, to command my Thoughts upon them, in regard you might have had your Queries reſolved by perſons much more able than I am: but ſince you deſire my Opinion, I will give it you very faithfully.

As I remember, the firſt thing that you was in doubt of, was, *Whether the Crown of* England *be Hereditary, or no*; and to that I anſwer negatively, *That it is not Hereditary.* And in order to the clearing of this, I will, in the firſt place, give you a ſhort hiſtorical account of Matter of Fact till K. *James.*

I think it will not be denied, that from the firſt known Times in this Iſland (after that they had Kings) till the Conqueſt, *but that the People Elected him for their King whom they beſt liked, without regard had to the Iſſue of the deceaſed King:* and alſo, *that they depoſed them very frequently, and ſet up others in their ſtead, when upon tryal they were found unfit for the purpoſe.* He that ſays otherwiſe, confeſſes himſelf, either not to have read our *Engliſh* Story, or that he underſtood not what he read: and if your ſelf doubts the truth of what I affirm, I will at any time give you a particular account of it, till the entrance of the *Normans.*

William the Firſt, commonly called the *Conqueror*, we muſt begin with him, who, it's moſt certain, had no Right or Title to the Crown, by *Inheritance* or *Deſcent*; and it is as true that he did not gain it by *Conqueſt:* for *Edgar Etheling*, who was alive and in *England* when *William* came in, had an unqueſtionable right by Deſcent, and therefore whilſt he was alive *William* could not pretend any Title by Inheritance, but muſt find out ſome other way to come to the Crown; and therefore he pretended one while a *Compact* between him and *Harold*; and again, That it was left to him by *Edward the Confeſſor*, by his Will; yet he found that all theſe were but empty ſounds: for although he had a potent Army, by which he might

might have done great things, yet that Army only brought him into *England*, but it was *the Election of the People that gave him the Crown*, and he ſoon perceived, that there was no Reſt for the Sole of his Foot, till he had taken the *Coronation Oath*, and had ſworn to maintain their *Laws* and *Properties*. Some little Irregularities muſt be admitted in a time when things are unſettled, but it will ſcarcely be found, that any man was *diſceaſed* of his *Freehold*, but only ſuch whoſe *Demerits* render'd them unworthy of them: and from his time the *Norman* Government proceeded upon the *Saxon* Principles; for King *William*, by the Advice of his Nobles, cauſed a ſelect number of Men out of every County to be ſummoned, who were to ſet down their *Laws*, what they were in *Edward the Confeſſor*'s time; for it was he who had collected the *Laws*, which at this day is called the *Common Law*.

Then, after him, *William* II. and *Hen.* I. ſucceeded each other, and *their Title was by Election of the People*; for *Robert* their elder Brother was alive, and ſaw them both preferred to the Crown, and he never enjoy'd it, for he died a Priſoner at *Cardiff Caſtle*, in the time of *Hen.* I.

The next was K. *Stephen*, who was ſecond Son to *Adela* Daughter to *William the Conqueror*; he was choſen by the People, for he had an elder Brother whoſe Name was *Theobald*, and there was *Maud* the Empreſs, Daughter to *Henry* I. and both theſe were nearer by deſcent than he.

After him came *Hen.* II. he came in by *Compact* between K. *Stephen* himſelf, and the Nobles, and the good liking of the People; for *Maud* his Mother was alive, and by *deſcent* it belonged to her.

Then *Richard* I. was elected in his Father's Life-time, and received Homage from the Peers.

King *John* was choſen by the People, or elſe *Arthur* his elder Brother's Son, who was then living, would have ſucceeded *Richard* I.

Henry III. came in by *Election*, for *Lewis* the French Prince pretended to the Crown, ſeveral of the Nobility having called him into their aid againſt King *John*, and had ſworn to him: but the Earl of *Pembrook*, who had married *Henry's* Aunt, ſtuck to him, and got him crowned by the *conſent* of the *Nobles* and *People*, after that he had taken the Coronation Oath, and made other promiſes to the People.

Edward I. being out of the Land when his Father died, was choſen by the *conſent of the Lords and Commons*; and I find that the Nation was ſworn to the Succeſſion of *Edward* I. before he went to the *Holy Land*.

Edward II. being miſled by his Favourites, was depoſed, and his Son

Edward III. was declared King in his Life-time.

Richard II. Son to *Edward* the *Black Prince*, was depoſed for his *Evil Government*.

Henry IV. came in by *Election of the People*, and though upon occaſion ſometimes he might pretend to ſeveral other Titles, yet he found them unſtable; and to make ſure, he got the Crown entailed by *Act of Parliament*; and ſo came in

Henry V. and then his Son

Henry VI. but he being found unmeet for Government, enclining too much to the Counſels of his Wife, (who was a *Foreigner*) and neglecting the Advices of his Parliament, he was depoſed, and *Ed-*

Edward IV. who was E. of *March*, whoſe Father the D. of *York*, by Act of Parliament, was declared Heir apparent to the Crown, and afterwards ſlain in the Battel at *Wakefield*. He, I ſay, was *Elected*, and afterwards *Henry* was reſtored, and *Edward* ſet aſide; but at laſt *Edward* was ſetled, and dies, and the Crown came to his Son.

Edward V. who lived no longer than to be put into the Catalogue of our *Engliſh Kings*, and then

Richard III. was confirmed King by Act of Parliament: for *Elizabeth* Daughter to *Edw.* IV. was living, who afterwards was married to *Henry* VII. and by right of deſcent the Crown belonged to her, and he had no Title but what the People gave him.

Henry VII. came in by *Election*; for his Wives Title preceded his: and there was alſo *Edward Plantaginet*, Son to *George* D. of *Clarence*, had an unqueſtionable Right before him, if *Deſcent* might take place; but to clear all doubts, he got the Crown ſetled by Act of Parliament upon him and the Heirs of his Body ſucceſſively for ever; and upon that came in

Henry VIII. and in his time the Crown was limited three ſeveral times by Act of Parliament, and there ſucceeded upon thoſe limitations, firſt,

Edward VI. then his Siſter

Queen *Mary*, by *Katherine* Widow to Prince *Arthur*, and then

Q. *Elizabeth*, by *Ann* Daughter to Sir *Thomas Bullen*; and in the thirteenth year of her Reign a Law was made, *whereby it is made penal, if any ſay that the* Parliament *cannot limit the Succeſſion.*

And now, Sir, I have given you a juſt account how the Crown has been diſpoſed; and if I ſhould ſay no more, I think that this of it ſelf might convince any impartial man, that the Crown, till King *James*, was in the Peoples diſpoſe.

But that I may leave no place for doubt, I will ſay ſomething to thoſe things which are ſo frequently objected, and I will begin with that which ſays, as follows; *Although there be many Inſtances where the Crown has leaped over the right Heir by deſcent, and has lit upon the Head of another, yet, ſay they, there are ſeveral Inſtances, both before the Conqueſt and ſince, where the Son has ſucceeded to the Father, and that theſe are chiefly to be regarded, becauſe moſt agreeable to the Word of God*, which tells us, That *by me Kings reign*, &c. *and that the preſidents that are otherwiſe, are no better than Uſurpation, and not to be eſteemed as legal, but to be forgotten as Errors in the Government.*

I acknowledge, there is ſuch a Text of Scripture, but I muſt deny, that it is to be taken in the literal ſence, for otherwiſe the King muſt be look'd upon to receive his Soveraign Power immediately from God, without any regard had to our *Laws* and *Conſtitutions*, and then he is King *Jure divino*, and no Bounds or Limits of Humane Contrivance can be ſet to his Will, but we are wholly at his Mercy and Pleaſure, and *Magna Charta* and the *Petition of Right* are waſte Paper: nay, it not only deſtroys our *Government*, but it puts an end to all other Conſtitutions in the World: But the true meaning of the Words are, *That Kings are to be obeyed, and that they are to govern under God, according to the Laws of that Government*,

vernment, and that they are to adminiſter the Laws and Juſtice according to the Rules and Directions of that Conſtitution, and not that Kings hereby ſhall have a Warrant to be unjuſt, or govern arbitrarily.

But becauſe there are ſome Inſtances where the *Son* has ſucceeded to the *Father*, that therefore the Crown comes by *deſcent*, I cannot grant; for this Iſland has ſeldom been free from War, and then the People are not at leiſure to regard every Particular of their Right, but are willing to have it at an end upon any terms, and are not then ſo regardful under whom they enjoy their Liberties and Properties, as that they may have them: And hence it might come to paſs, that the *Son* ſucceeded the *Father*, as it befel in the caſe of *Henry* III. his Father K. *John* had been quarreling with his *Barons*, and they called in *Lewis* the F. Prince to their aid, and ſeveral ſwore to him; but K. *John* dying, and the Nation being willing to be at reſt, they choſe rather to have *Henry* III. being a Child, whom they had hopes to train up in the Principles of an Engliſh King, than to admit *Lewis*, who was a Foreigner. Or elſe, that out of Gratitude to the memory of their deceaſed King, who had done good things for the Nation, they choſe his Son, believing him to inherit his *Father's Vertues*, and therefore deſerved the Crown better than any other perſon: as it befel in the caſe of *Edw.* II. and *Rich.* II. and *Hen.* VI. who all deceiv'd them, and therefore were depoſed. I think the reſt of the Inſtances where the Son has followed his Father into the Throne, are, where the Succeſſion was continued to them by Act of Parliament, or by Election, in the life-time of the Father; as it happen'd in the caſe of *Rich.* I. and *Edw.* I.

But I think it is without all diſpute a known Cuſtom in *England*, that *where a man has any Eſtate either real or perſonal, if it came to him by Deſcent, although he has no further power of it, yet during his Life he may diſpoſe of it as to him ſhall ſeem meet, and diveſt himſelf of it to all intents and purpoſes*: And therefore if the Crown of *England* comes by deſcent, what hinders that he who enjoys it cannot alien or diſpoſe of it during his own life? for whenever it has been attempted, the People has ſtill oppoſed it: as in the caſe of K. *John*, when he laid down the Crown at the Feet of *Pandulphus* the Pope's Legate, and he kept it three days for the Pope's uſe; this being done without the Conſent of the Nation, the King was told, *He could not make any conveyance of it without the leave of the People*: and although he had the Pope for his Second, who was obliged to ſtand by him in maintaining what he had done, not only out of the advantage he would gain hereby againſt King *John* and his Succeſſors, but alſo to encourage his other Sons to the like Dutifulneſs and Obedience; yet the *People* were Victors, and the King fairly gave up the Cudgels: Which methinks clears the Point very well, for our Lawyers tell us, *That a Preſident where the thing has been diſputed, is worth a thouſand where there was no Conteſt*. I will give you another Inſtance, though not the very ſame, yet I think not impertinent to be mentioned. Q. *Mary*, upon her firſt enjoyment of her Husband *Philip*, was very fond of him, and thinking nothing to be too good for him, ſhe had a great deſire to have him *crowned*, but notwithſtanding her Importunities, the Parliament would not conſent, and ſhe never had her Deſire: Whereas if the

Crown

Crown had come to her by *deſcent*, ſhe need not have asked the *Parliament* leave, nor had K. *John* been to blame, to give away that which was abſolutely his own.

It is true, that in the life-time of *H.* II. his eldeſt Son was crowned, but he firſt acquainted his Lords with his purpoſe, which implies, that he asked their conſent, which is very probable, becauſe they ſwore Allegiance to him; which they would never have done, had it not been with their good liking, for the Lords were more ſturdy in thoſe days than they are in ours, for they would yield no further than they ſaw there was *Law* and *Reaſon* for it.

I have heard it objected, *That the three Children of* Hen. VIII. *ſucceeded to the Crown by his Will*; it may be ſo, and yet not clear the point, *That the Crown comes by Inheritance*; for *Hen.* VIII. had ſhaken off the Pope's Authority, and the People might be very willing to accept his Son *Edward* for their King; and it had been a wonder if they had refuſed him, ſeeing he was a Proteſtant, and one like to perfect the Reformation: But in his Succeſſor Q. *Mary* we find the Preſident of *bequeathing the Crown by Will* overthrown; for *Edw.* VI. by his laſt Will had given the Crown to *Jane Seymour*, and to make the thing more valid, he cauſed the Nobility, Biſhops, and Judges to ſet their Hands to it, and yet Q. *Mary* prevailed againſt this Will: but *Arthur* Son to *Jeoffery*, who was Brother to *Rich.* I. and K. *John*, was not only Son to the elder Brother, but was deſigned by *Rich.* I. to be his *Succeſſor* to the *Crown*: So that if any thing would have prevailed againſt the *Election of the People*, without doubt *Arthur* would have

have had the *Crown*, and *John* muſt have waited longer.

But if the Crown of *England* comes by *Deſcent* or *Inheritance*, I deſire to ask by what Title all the Kings and Queens ſince the *Conqueſt* have poſſeſſed the Throne; for no man can have the face to ſay, that the firſt *William* came in by *Deſcent*, but that his Title was either by *Election*, *Conqueſt*, or *Uſurpation*, and all that have ſucceeded him out of his Loins are upon the ſame bottom with him; and if his Title was not by *Election*, then he and all his Succeſſors can be termed nothing but *Uſurpers*, who came in by force, and have maintained it by might againſt *Law*: for it is very well known, *that a Poſſeſſion which is illegal at firſt cannot be better by continuing it*; *nor does it mend the matter, if they hold it never ſo long, the Right remains the ſame.* And therefore having ſaid this, I do preſume it will be as difficult to underſtand thoſe things mentioned in the 30th Chapter of *Proverbs*, Verſe the 19th. as it is to prove that the Crown of *England* comes by *Deſcent*. But poſſibly, when there ſhall be a Man ſo much wiſer than *Solomon*, that can unriddle thoſe four things, he may be able to clear this firſt, and reſolve all other Doubts that may be propoſed to him: but till that be, I hope the People will hold their Right in diſpoſing of the Crown, and not be bound to admit the next of Blood, if he be not fit for it.

I will now, Sir, proceed to your ſecond Demand, *Whether the Duke ought to be excluded*; and to that I do anſwer affirmatively, That *he ought to be ſet aſide*; for if he had not deſerved it very juſt-

juſtly, the late Houſe of Commons would not have been ſo vigorous and intent upon the Bill, neither would the preceding mercinary Houſe of Commons have ſaid a word againſt him, if his Faults had not been very plain: but the whole thing is ſo evident, that there needs nothing more to enforce the Reaſons for his excluſion; for, *Is it a ſmall thing to hold a Correſpondence with the Pope and the French King, the two great Enemies to our Religion and Government? to procure Pardons for* Papiſts, *and keeping none about him but* Papiſts, *or Popiſhly affected? to prevail with the King to adjourn, prorogue and diſſolve Parliaments when they were doing things of the greateſt moment for the Nation, and on purpoſe to defeat thoſe very matters they had in hand?* If he will adventure to do theſe things whilſt he is a Subject, what may we not juſtly expect from him if he happen to be King?

But notwithſtanding all this, ſome will ſay, That *the Word of God will not allow us to put by the next Heir to the Crown, be he what he will, becauſe by* Moſes's *Law the next of Blood muſt inherit*: Truly I am for that too when we are in a good Breed, but as our Caſe ſtands I cannot yield to it. But, under favour, I conceive, that this Text alſo obliges no otherwiſe than according to the conſtitution of every Government: for if the *Moſaick* Law be our Direction, then the Duke will be King of a third part of theſe Dominions before his Brother is dead, for by that Law *the Eldeſt was only to have a double Portion, and no more*; and then, I pray, what Abſurdities will follow upon this Doctrine? But it is moſt plain, that this Law related only to private Families, and had no regard to the ſetting up or pulling down of Kings,

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for when the Law was given, the Children of *Iſrael* had no King, nor any proſpect of it, and it was ſeveral Ages after that before they petitioned God for a King, and *Saul* was the firſt; and the Practice after *Saul* puts the Matter out of Controverſie; for when *Saul* was dead, *David* was anointed, though there remained ſeveral of the Seed of *Saul*: After *David*, *Solomon* was anointed, tho' *Adonijah* was his elder Brother, and his Mother the honeſter Woman of the two: When *Solomon* was dead, *Jeroboam* rent away ten Tribes from *Reboboam*; and ſo on. But theſe Inſtances are ſufficient to prove, that the *Iſraelites* did not believe that they were obliged to chuſe him for their King that was next of Blood: And if they might do this, who had the preſence of God amongſt them, and his immediate Direction, more than any other People, certainly then we cannot be ſaid to ſin againſt the Light: And beſides, in all private Families there is care taken to preſerve the continuance of them, by diſinheriting the eldeſt Son, when it is perceived that he will ruine the Eſtate, if he be ever poſſeſſed of it: but to this ſome will anſwer, That *it is ſeldom ſeen that ever any Family proſpered long where the right Heir was ſet aſide*: I think ſo too, when the right Heir is deprived of his Birthright, for no juſt cauſe; but we find that ſeveral Families have continued many Generations after that the right Heir has been rejected; and yet tho' an ill Fate ſhould always attend that Family where this is done, yet is it not better to continue it two or three Succeſſions longer, tho' with a certainty of Ruine at laſt, rather than ſuffer it to come into the

the Hands of him, who will in a few years, perhaps months, bring it to nothing.

You cannot but have heard of *Maud* the Empreſs, who was Daughter to *Henry* I. what Trouble and Bloodſhed ſhe cauſed in *England*, in the days of K. *Stephen*, and this is often inſiſted on to ſhew *what evil Conſequences there will follow upon ſecluding the Duke*. It is true, ſhe made a great buſtle, but ſhe had that to pretend which the Duke has not, for the Nation had taken an Oath to her in the life-time of her Father, and from that ſhe might preſume very much, but the Conditions were not performed upon which the Oath was taken, and therefore the Obligation was void, and the People were at liberty to chuſe whom they pleaſed. But beſides, whether the Duke get the Crown or no, much Blood muſt be ſpilt, for we muſt either fight or burn; and whether it be not better to exclude the Duke by a Law, and adventure our Lives in defence of that and all our Laws and Religion into the bargain, than to let him come to the Crown, and at beſt hand hang up Thouſands of worthy Men, if he do not extirpate their Name and Families: but to be ſure all thoſe who gave their Votes to the Bill, nay, all that have declared their Approbation of it, and all their Friends and Relations, are deſtin'd by him and the Pope for Deſtruction, if not all them who voted to elect them Members of Parliament: And how far this will extend, let any man conſider.

Sir, I am now come to your laſt Doubt, which is, *How far we ought to obey the Duke if he happen to be King, and there be no Law, I mean, no Act of Parliament to exclude him.* This is truly a tender place,

place, and ought to be handled only in the Parliament Houſe; but becauſe I dare truſt you in this captious Age, I will lay before you ſome things that I think cannot be denied. It is a known Maxim in our Law, That *protectio trahit ſubjectionem, & ſubjectio trahit protectionem.* Theſe are plain words, and are of as clear a ſenſe, that is not equivocal or capable of a double conſtruction; and I take them to be the mutual Bonds between a King and his People, and one introduces the other, and they cannot be ſeparated; for if Protection draws after it Subjection, and Obedience incites Protection, then whether or no can there be Protection where there is no Subjection, or can there be Obedience where there is no Protection? and then if it be not done on the one part, how can it be required from the other? for if the King ſhall go about to deſtroy the Government, or take away our Properties, does he not diſown us, and deny us his Protection? and then, I pray, what Obedience is due to him that regards us not? Or, if the Subjects ſhall not obey the King's Writs, or other Commands, which by Law he may require from them, do not they diſown him, and forbid him to concern himſelf with them? and then, I pray, what has he to do, but to do to them as they have done to him? And this will be the caſe, ſhould the Duke, being a Papiſt, come to the Crown. We ſee already that his Inclinations are for our Deſtruction, and beſides, his Religion obliges him to it, and therefore what Protection can we hope to have from him whoſe Conſcience and Deſire are united for our Ruine? for it is not in the power of a Popiſh King to preſerve us, for if he will protect us, and the Pope command our Deſtruction

on, he muſt either violate his own Conſcience, or give us up to Ruine: So dangerous a thing it is to depend upon the Conſcience of a Papiſt, who cannot be tyed or obliged by any Oaths or Obligations; and it is ſafer to have a Proteſtant King, tho' he has no Morality, rather than to live under a Popiſh King, tho' he be the beſt Man living. Altho' I have heard many ſay, *How came it to paſs that we retain'd our Properties, conſidering that Popery was ſo long profeſſed in this Nation?* To that a ſhort Anſwer will ſerve, That the Pope's Authority was never eſtabliſh'd here by Law, altho' he was allowed many things by reaſon of the Superſtition and Blindneſs that then overſpread this Iſland, yet the King and Parliament could never agree to give him any power by Law; nay, when he grew immodeſt in his Encroachments upon the Church, they made Laws to reſtrain him, but the Truth is, it was the Reſolution of the Parliament, and eſpecially of the Lords, that protected the Nation againſt the Pope; but if Popery ſhould now come in, we ſhould have it to all intents and purpoſes, for it would poſſeſs both Church and State, it muſt have all. Q. *Marys* days are a ſufficient Warning what we muſt expect from a *Popiſh Succeſſor*, and how far their Promiſes are to be relyed on, for by the aſſiſtance of the Men of *Norfolk* and *Suffolk* it was that ſhe did her buſineſs; and what Promiſes did ſhe make to them, not to make any alteration in Religion, and ſaid many other fine things, yet as ſoon as ſhe was ſetled on the Throne the firſt thing ſhe did, was to alter Religion with the greateſt violence and effuſion of Blood that was poſſible, and theſe Men of *Suffolk* and *Norfolk* felt the

the firſt ſtroke of her Hand, and perhaps the greateſt heat of her Fury.

But I have too far digreſſed from my firſt Argument, which is, *That if Protection from the King is not given to his Subjects, or Obedience in the Subjects is not paid to the King, then if one ſide fail, the other is diſcharged, and the Condition being broken, the Obligation is void.* And this was the reaſon why *Vortigern* the *Saxon* King was depoſed by his Lords, for he was grown too friendly to *Heugiſt* the *Dane*, and the Lords perceiving that he intended to betray the Land to him, they, to prevent the Common Deſtruction, and becauſe by this practice he had abſolved them of their Allegiance, therefore they depoſed him, and ſet up his Son *Vortimer*, becauſe he was a true lover of his Country. There are ſeveral other Inſtances of the like nature, which would be needleſs to be cited, becauſe I ſhould rather amuſe than ſatisfie you of the Truth, ſhould I recount them all.

In the next place I do conceive, that *the King, until he be Crowned, is not ſo much King to all intents and purpoſes, as he is after he is Crowned*; for if the crowning of the King be but a meer Ceremony or Compliment of State, and not eſſential in giving him a Right to the Allegiance of the Subject, then certainly no King of *England* would be troubled with the Ceremony of being formally crowned, becauſe then there will lye no Obligation upon him to take the Coronation Oath, and ſo he may be more at liberty to act according to his Will, becauſe his Conſcience will not be clogged with the weight of ſo ſolemn an Oath; and then with leſs Infamy and Reflection he may

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ſuſpend or pervert the Laws; and therefore with ſubmiſſion to better Judgments, I am not convinced, that the King, whilſt he is uncrowned, has that Right in our Allegiance as he has after that the Crown is ſet upon his Head, in the ſame way that it ought to be done, for before the Crown is ſet upon his Head by the Archbiſhop, or other perſon appointed to do it, the Nobility and People are asked, *if they will do their Homage and Service to him*; which by the way implies, that the People are at liberty in the thing, and that if he be Crowned, it is by their Leave and Election; then if the People conſent, the King takes the Coronation Oath, which is, *to preſerve the Church, our Laws, Liberties, and Properties, and to adminiſter Juſtice indifferently*; and thus, when he has Sworn to us, the Crown is immediately put upon his Head, and then the Nobility and People do their Homage to him: and according to this has been the Practice ever ſince there were Kings in *England*. And I believe there is ſcarcely an Inſtance *where the People ever ſwore to the King before he had taken his Oath to them*: If there be any ſuch Preſident, it is to be look'd upon as irregular, and not to be a Direction to us; for it is not impoſſible but ſuch a thing may happen, but however, is it reaſonable that one or two Inſtances ſhall be ſufficient to invalid a Practice of ſeveral hundred years to the contrary? And is it not a piece of nonſence, that we ſhould adventure our Religion, and Properties, and all we have, in the Hand of him, that for ought we know has an Obligation on him to ruine or give us up to a Foreigner, and not in the firſt place to take Security from him, that he will defend and do us right,

before we repoſe ſo great a Truſt in him, for otherwiſe ſuch Confuſion and ſuch Contradictions would follow, that the Wit of Man cannot invent how to ſalve them.

But I acknowledge there are ſome Inſtances *where the People have ſworn to the Succeſſion in the life-time of the Father; and thence ſome do inferr, that the King is entitled to our Allegiance before the Crown is ſet on his Head:* but this, under correction will not hold, for it does not appear, but that the intended Succeſſor ſwore to them alſo at the ſame time; and it is very probable he did: yet if he did not, it cannot thence be concluded, that the King has Right to our Allegiance before he is Crowned; for whenever it happen'd that the Succeſſor was ſworn to in the life-time of his Father, if afterwards he came to the Crown, he took the Coronation Oath before the People ſwore Allegiance to him: And therefore it is very plain, that an Oath taken to the Succeſſor in the life-time of his Father, is nothing more but a declaring the good liking they have of the Succeſſor, and that if in caſe he will promiſe to defend them and their Properties, when his Father or Predeceſſor dies, they will elect him for their King; as poſſibly it might now fall out, if in caſe the Duke of *Monmouth* were legitimate: Don't you think that the People would be very inclinable to ſwear to his Succeſſion next after the King? And I believe you will never find it done, but when the King had the Hearts of the People, or out of the hopes they had in the Succeſſor, for Engliſh Men, if the King pleaſes them, he may have all they have, even to their Skins; as a wiſe man ſaid, *If an* Engliſh *King will be kind to the People,*

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he can never want their Heads, Hands, and Purses: and therefore it is, that in the moſt peaceable and tranquil times that ever the Land ſaw, when King and People had a mutual Confidence of each other, we find things done by the King that are more irregular in thoſe times of agreement, than was done in times of greater confuſion; and the reaſon is, becauſe the King ſtrove to pleaſe the People, and they were willing to gratifie him by conniving at his Faults.

But beſides all this, the *Law of Nature* is to be conſidered, and this Law cannot be extinguiſhed by any other Laws whatſoever: And this I never heard any man deny. *The Law of Nature commands Self-preſervation*; and then I would ask, *whether I am to obey him that will deſtroy me.* If we ſhall have a Prince that plainly declares either by his Words or Actions, that he will change our Government and Religion, or that he will give us up to a Foreigner, or elſe that he will govern by a ſtanding Army, and take away our Properties, muſt I obey him? muſt I not endeavour to reſcue my Self and Country from Ruine? for in the *Saxons* time, *Treaſon did not relate to any thing but the Government, and the general Concern of the Nation, and not to the ſingle Perſon of the King*: and now, though it be Treaſon to kill the King, yet it is only in order to the Publick Good; and therefore with the *Saxons* all Indictments againſt *Legience* concluded *Feloniæ & Proditoriæ*, but againſt the Perſon of the King only *Feloniæ*: But in our days we find things are crept in that is difficult to tell how or when they came in. And you ſhall find in all our ancient Laws, *that whatever*

was decreed or enacted was for the Common Good, and the King was not concerned otherwiſe, than ſo far as related to the Common-wealth; though I know, in our days, another Opinion is aſſerted, which I am ſure cannot be maintained, *That all things muſt give place to the King's particular Intereſt*. For my own part, I will obey the King, but I think my *Obedience* is obliged no further than what he commands is for the *Common Good*. Our *Government* ever ſince the *Conqueſt* has proceeded upon the *Saxon* Principles, and they were grounded upon Self-preſervation, which I do not find to be repeated by any Act of Parliament; for all our Lawyers do agree, *That it is Treaſon to ſubvert the Government*: and if ſo, without doubt our *Allegiance*, the *Laws of God and of Nature* command us *to defend* them.

I will detain you no longer, but only to conſider this one thing: Whenever we have a *Popiſh King*, we muſt expect an alteration at leaſt in our Religion; for though he take all the Oaths and Declarations that can be deviſed, yet it ever ſtands in the way to oppoſe the Intereſt of *Rome*, *they muſt all give place*, and it is meritorious to break thoſe Engagements for that purpoſe, or, at worſt hand, be certainly pardoned, if he preſume to do it without a Diſpenſation; and it is no more in his power to preſerve our Religion, than it is for him to work an Impoſſibility. And therefore, whether it is better to oppoſe a *Popiſh Succeſſor*, ſeeing we have the practice of our *Forefathers* to juſtifie us in it, and beſides, he cannot if he would defend us; or elſe to ſuffer him to reſt in the Throne, to deſtroy all we have, and bring

bring in a Religion *that will damn Millions of Souls from Generation to Generation:* And if we may not defend our Religion, then we muſt abſolutely depend upon *Providence* in every thing, and not put out our Hand to help our ſelves up when we are *fallen into a Diteh.* This is the Caſe, and here is an end of all Human Policy, but without doubt it is our *Duty* to do our *Endeavours,* and leave the Succeſs to *God Almighty,* and his Will be done.

THE CASE OF WILLIAM EARL of *Devonſhire*.

ON *Sunday* the 24*th*. of *April*, 1687. the ſaid Earl meeting on Collonel *Culpepper* in the Drawing Room in *White-hall*, who had formerly affronted the ſaid Earl in the ſaid King's Palace, for which he had not received any ſatisfaction, he ſpake to the ſaid Collonel to go with him into the next Room, who went with him accordingly; and when they were there, the ſaid Earl required of him to go down Stairs, that he might have Satisfaction for the Affront done him, as aforeſaid; which the Collonel refuſing to do, the ſaid Earl ſtruck him with his Stick, as is ſuppos'd. This being made known to the King, the ſaid Earl was required by the Lord Chief Juſtice *Wright*, by

Warrant to appear before him with Sureties: accordingly *April* 27. he did appear, and gave Bail in 30000 *l.* to appear the next day at the *King's Bench*, himself in 10000 *l.* and his four Sureties in 5000 *l.* a piece, who were the Duke of *Somerset*, Lord *Clifford* the Earl of *Burlington's* Son, Lord *De-la-mere*, and *Tho. Wharton*, Esq; eldest Son to Lord *Wharton*. The Earl appeared accordingly next morning, and then the Court told him, *that his Appearance was recorded*, and so he had Leave to depart for that time; but upon the sixth of *May* he appear'd there again, and being then requir'd to plead to an *Information of Misdemeanour for striking the said Collonel in the King's Palace*, he insisted upon his Priviledge, *That as he was a Peer of* England, *he could not be tryed for any Misdemeanour during the Priviledge of Parliament*: and it being then within time of Priviledge, he refused to plead; the Court took time to consider of it till *Monday*, which was the last day of the Term, and the Earl then appeared, and delivered in his former Plea in Parchment; the Judgment given by the House of Lords, in the Case of the Earl of *Arundale*, 3 *Car.* was urged on the behalf of the Earl, *viz. That no Lord of Parliament, the Parliament then sitting, or within the usual times of priviledge of Parliament, is to be imprison'd or restrain'd without sentence or order of the House, unless it be for Treason or Felony, or for refusing to give Surety for the Peace*: And also, that the like Priviledge was, about two years before, allow'd in the Case of my Lord *Lovelace*. The Court over-rul'd the Earl's Plea, and requir'd him to plead to the Information the first day of the next Term, and to be a Plea as of this Term; and so he had Leave to depart,

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but his Sureties were not called, for to ſee if they would continue as his Bail. The next Term he appeared, and pleaded guilty to the Information, and ſo the laſt day of the Term the Court did award, *That he ſhould pay a Fine of* 30000 l. *be committed to the* King's Bench *till it be paid, and to find Sureties for the Peace for a year.*

To all which Proceeding and Judgment three notorious Errors may be aſſign'd.

I. *The over-ruling of the Earl's plea of Priviledge.*
II. *The Exceſſiveneſs of the Fine.*
III. *The Commitment till it be paid.*

1. The over-ruling the Earl's plea of Priviledge is a thing of that vaſt *conſequence*, that it requires a great deal of time to comprehend it aright, and is of ſo great an extent, that more may be ſaid of it than any one man can ſay. The Judgment ſeems to be very unnatural, becauſe an inferiour Court has taken upon it to reverſe a Judgment given in a ſuperiour, of which no ſuch Preſident is to be found in regular times, ſcarcely in the moſt confuſed and diſorderly.

2. Becauſe it is in Caſe of *Priviledge*, which is the moſt tender part of *every Court*; for if the *Rights* and *Priviledges* of any Court are made light of, the Court itſelf will ſoon come to nothing, becauſe they are as it were the moſt eſſential part of it, if not the very Eſſence of the Court, for what ſignifies a Court, if its Orders cannot be executed? It is better that a Court were not, than that its Priviledges ſhould not be duly obſerv'd, for without that it becomes a Snare and Miſ-

Mischief to the People, rather than an Advantage.

3. Because by this *they have set the Feet above the Head*; for as they have by this declared themselves to be *superior to the Lords*, so it will naturally follow, that a *Quarter-sessions may reverse their Orders, or suspend their Priviledges*; and a more *inferiour Court* shall supersede what the *Quarter-sessions* does: And thus it must go on till the course of *Nature* is *inverted*.

4. Because they may as well deny a Lord, or over-rule any other Priviledge, as well as this, and so consequently, when the House of Lords is not actually sitting, every *Peer* must be *beholden to the Judges for every Priviledge that he enjoys*.

5. If this Judgment be according to *Law*, then may the *King's Bench* try a Peer for *Misdemeanor*, at the very time when the House of Lords is sitting; and consequently the House must want a *Member*, if the *King's Bench* sees it good to have it so; and what a confusion would it make, and the consequence of it would be, is easily discern'd; the want of one Member makes that House think itself to be lame: as was seen in the Case of the Earl of *Arundale*, 3 *Car.* How many Petitions did the Lords make, and how many Messages passed to and fro, between the King and them, who would not proceed to any business *till he was restored to his place in that House?* for they told the King, *That no Lord of Parliament, the Parliament sitting, or within the usual times of priviledge of Parliament, is to be imprison'd or restrain'd without Sentence or Order of the House, unless it be for Treason or Felony, or for refusing to give Security for the Peace.* Surely the Judges did not give that

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Judgment for want of *underſtanding* that Judgment of the Lords; for nothing can be more expreſs and plain for it: and ſays directly, *That ſitting the Parliament, or within uſual times of priviledge, no Peer ſhall be moleſted, unleſs for Treaſon or Felony, or for refuſing to give Security for the Peace.* The Earl of *Devonſhire* did all that the Judges could require of him, by finding Sureties for the Peace; and what the Judges did more, was not grounded upon that *Judgment of the Lords*, but was a *manifeſt and preſumptuous invaſion and violation of the Priviledges of the whole Peerage of* England.

It is very obvious how the Peerage has been undermined ever ſince *Hen.* VII's time, what Endeavours have been uſed to make it leſs and leſs, firſt, by multiplying the number of them; ſecondly, by raiſing people of mean extraction to that Dignity, both which tend to render it contemptible; but nothing can make it more deſpicable, than that its Priviledges ſhould depend upon the beck of the *King's Bench*: and therefore conſidering how groundleſs and without preſident it is, what they have done in the Caſe of the ſaid Earl, it is no more than probable, that they thereby aimed at pulling down the Peerage. For, what ſeems ſo likely as it does? It carries its Evidence in its Face, for it manifeſtly takes away the priviledge of the *Peers*, and till it does appear for what other end it was done, all Men of Sence, and that are unprejudic'd, *muſt believe it was to pull down the Peerage*; for all that can be pretended, is, either to ſecure the *Peace*, or to *puniſh the Offence*. The Earl did give Security for the *Peace*, and he did not deſign to ſhift off his *Tryal*, but that it ſhould be in its proper ſeaſon; for tho' it de-

delay'd the Trial, yet it brought it to the proper time, and ſo conſequently the more legal and reaſonable: but the Judges muſt go out of the way of *Reaſon* and the *Law*, to make a *breach in the priviledge of the Peers.* It is too commonly the Diſcourſe every where, and I fear with too much reaſon, That *the Judges make very bold with the Law*; but it's plain by this Judgment, *that they have ſtuck the priviledges of the Peers under their Girdle.* Whether it did proceed from *Ignorance* or *Corruptneſs*, will appear upon what they ſhall ſay for themſelves: it's too plain from one of them it is, and either of yours renders them unmeet to ſit in that place. I do remember, that the *puny Judge* gave this Reaſon for over-ruling the Earl's Priviledge: ſays he, *Your Lordſhip, and all the Peers, receive all your Priviledges from the King, and therefore it would be very unreaſonable to make uſe of them againſt him: and ſeeing the King is concerned in this Caſe, I am of the opinion, that their Plea be over-ruled.* It is ſaid, that he has ſome Law, and therefore it's the greater preſumption in him to judge upon the Lords Priviledges, who is not qualified by Law to ſit as a Judge in any Caſe, for he is a *Papiſt*, as every body ſays, and ſo conſequently has not taken the *Oaths* and *Teſt* that the *Law* enjoins, before he take his place on the Bench.

But as to his Doctrine which he laid down, ſince it does not properly come into this Debate, I will only ask him a few Queſtions, *Whether there was not a People before there was a King? Whether the King begot all his People; and if people of ſeveral Nations ſhould be caſt upon an Iſland, and ſeeing no probability of getting thence, they agree upon certain*

tain Laws and Rules for the Common Good, and make choice of the wiſeſt Man amongſt them as their King, to rule and govern them according to thoſe Laws, can it then be ſaid, that the People received their Priviledges from him, or that he is not ſtrictly bound to govern them by thoſe Laws and no other? I deſire to ask this one Queſtion more: *Whether the King is not bound, as well by his Oath as by the nature of the Government, to protect and defend every Subject in his juſt Rights and Properties?* But allowing his Doctrine as orthodox, yet his Reaſon is admirable; for the Subject is not to make a defence in any Caſe, if the King have any Title or Concern in it, all Corporations muſt deliver up their Charters of courſe, whenever a *Quo Warranto* is brought; and, why? becauſe it was a Grant from the King, and it would be very hard to oppoſe him with his own Gift: whoever holds any thing by Gift from the Crown, and tho' made as ſure as the Broad Seal can make it, yet if the King think good to queſtion it, the party muſt yield it up without inſiſting upon his Right, for the Reaſon given by the learned Judge: for the ſame Reaſon every Peer, if denied his Writ, muſt not demand it; nay, he muſt ſurrender his Patent, and renounce his Title, as far as in him lies, if the King require it: And for the ſame reaſon, when any man is called to an account for his life, he muſt make no defence, but ſubmit himſelf to the King's Mercy; for all we have is from the King, and nothing muſt be diſputed when it is his pleaſure to queſtion it: This is indeed to make the King as *abſolute* as any thing on Earth can be, yet is withal to make him the moſt *unjuſt Prince* that ever ſate on the Engliſh Throne. This

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ſort of Juſtice is learnt from Children, whoſe Gifts continue good no longer than the Donor remains in that kind mood. Surely nothing can more reflect Diſhonour upon the King, for it makes him as unjuſt and uncertain as any thing can be, both which ſhould not be in the Temper, much leſs in the Actings of a Prince.

Another Reaſon was given, I think, by the Chief Juſtice, or elſe by Mr. Juſtice *Holloway*, *becauſe it was abſolutely neceſſary for the ſecuring of the Peace, it was urg'd ſo far, as if the Peace could not be ſecured without it.* Surely all this muſt be but *gratis dictura*, for my Lord *Devonſhire*, by finding Sureties, had done all that the Law does require for ſecuring the Peace, unleſs they had clapt him up a cloſe Priſoner; which they could not juſtifie, if he tender'd Sureties: and therefore, either my Lord *Devonſhire* is different from all Mankind, and a different method muſt be made uſe of to ſecure the Peace, or elſe this Argument of theirs favours not ſo much of Reaſon as of ſomething elſe, that ought to be no Ingredient when they give Judgment in any Caſe; and it ſurpaſſes common ſence to underſtand, *how the over-ruling my Lord's Plea could tend to the ſecuring of the Peace*; either the Security which he had given muſt awe him to keep the Peace, or the other could not, for he had broke the Peace again, and repeated it ſeveral times before he came to his Trial, yet that could not effect the Merits of the Cauſe, neither could it be given in evidence at the Trial, ſo as to alter the ſtate of the Fact; neither could the Judges, by reaſon of it, enhaunce his Puniſhment if he were found guilty, but they muſt look upon it as a diſtinct Offence, and ſo might require the

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greater Security for the Peace, and for a longer time.

Indeed it is an effectual way to prevent a man from breaking the Peace, to lay ſuch a Fine upon him as is impoſſible to be paid immediately, and to commit him till payment.

It is too probable that the Judges being conſcious how liable they have made themſelves to be called in queſtion for this *Sawcineſs* and *trampling upon the Law*, would debaſe and bring under the Credit and Authority of this Court, becauſe no other can take cognizance of their proceedings, ſo as to correct their *Errors* and *Miſtakes*; it is only here that they can be called to an account for what they do amiſs, no Court can puniſh them but this; ſo that if they can once top your Lordſhips, there is nothing that they need ſtand in awe of, nothing to reſtrain them, but they may act *ad libitum*, not *per legem*; for, let this Court be *depreſt*, and they may ſay, *Of whom then need we be afraid?* By what they have done already they have ſufficiently ſhewn to what Extravagances they will proceed when they think themſelves to be *out of the reach of this Court.*

If once the *King's Bench* can ſet it ſelf as high as the Judges have attempted by this proceeding againſt my Lord *Devonſhire*, then muſt the whole Nation (your Lordſhips not excepted) *ſtoop to all the Extravagances and monſtrous Judgments that every corrupt and ignorant fellow ſhall give, who ſhall chance to get up to the Bench*; and not only this preſent Age ſhall feel and undergo the Miſchief, but it will be entail'd upon all ſucceeding Generations. Well then, did the Judges attempt that which would bring your Lordſhips ſo low, and

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raiſe their Court ſo high, to ſet it above all reach or controul, eſpecially if they did promiſe to themſelves Impunity, if not Reward, which they might have expected, had it been in the Reign of an arbitrary Prince, who would be a great gainer by the fall of this Court, becauſe then the Skreen betwixt the King and People is taken away.

This is the firſt time that an inferiour Court did take upon it to invalid the Priviledges of a ſuperiour. Superiour Courts do ſometimes ſet aſide the Orders and Proceedings of Inferiour Courts, and yet in that caſe they proceed with that caution, that it is never done but when there is *manifeſt Error*, and the Law not duly purſued and obſerved; but in no caſe was it known that they ever meddled with their *priviledges*.

If what the Judges have done is *good*, I cannot tell what *Power* and *Juriſdiction* they may not pretend to, for no *bounds* nor *limits* can be ſet to the *King's Bench*; it may aſſume as great a power in *Civil Affairs* as the *High Commiſſion* does in *Eccleſiaſtical*, in their Actings not to be tyed up to any Rules or Method, but to vary and alter them as well as the *Law*, when occaſion or humor ſerves, the *proceedings* ſhall be as ſummary, or as delatory as they think fit, and your Lordſhips ſhall no more than other people be exempted from the exerciſe of that power.

Therefore if your Lordſhips will not prevent the Miſchief from ſpreading it ſelf over the whole *Nation*, yet I hope you will take notice of the Injury you have ſuffer'd in the Caſe of my Lord *Devonſhire*, and to do your ſelves Right.

The

The *Law* has for the most part left *Fines* to the *Discretion of the Judges*, yet it is to be such a *Discretion* as is defin'd by my Lord *Coke*, *fol.* 56. *Discretio est discernere per legem quid sit Justans*; not to proceed according to their own Will and private Affection, for *Talis discretio, discretionem confundit*, as *Wingat* says, *fol.* 201. So that the Question is not *Whether the Judges could fine my Lord* Devonshire, but *Whether they have kept themselves within the bounds and limits which the Law has set them.*

It is so very evident, as not to be made a Question, whether in those things which are left to the *Discretion* of the *Judges*, that the Law has set them bounds and limits, which, as God says to the Waves of the Sea, *Hitherto shalt thou go, and no farther*; for either they are so restrained, or else the *Law* does suppose them to be *exempted from those Frailties and Passions which do attend the rest of Mankind*: But as they cannot be suppos'd to be void of *Passions* and *Infirmities*, no less than other Men, so it cannot be imagin'd, that the *Law* has left Men to so wild a *Justice* as is guided by *Passion* and *Affection*, for it had been so great a Defect in the *Constitution of this Government*, that long before this it would have been reform'd. And as it is most clear, that they are thus restrain'd, so those *bounds* and *limits* are no less known to them that are acquainted with the *Law*; there are two things which have heretofore been look'd upon as very good Guides, 1*st*, *What has formerly been expressly done in the like Case*; 2*ly*, *For want of such particular Direction, then to consider that which comes the nearest to it, and so proportionably to add or abate, as the manner and circumstance of the Case do require.*

Theſe were thought very good and ſafe *Directions*, till it was declared, and ever ſince has been *practiſed* in the *King's Bench*, that they did not regard *Preſidents*, *but would make them*; and for ought that I can learn or find, this of my Lord *Devonſhire* is an *Original*.

What Obſcurity ſoever may be pretended in other Caſes, yet in this the Law has given ſo poſitive and plain a *Direction*, that it ſeems very ſtrange how they came to lay a Fine of 30000 *l.* upon my Lord *Devonſhire*.

The Court of *Starchamber* was taken away, becauſe of the *unmeaſurable Fines* which it impos'd, which alone was a plain and direct prohibition for any other Court to do the like, for otherwiſe the Miſchief remain'd; for what Advantage was it to the Nation, if it had not been wholly ſuppreſt? the *ſhifting of Hands* gave the People no *Eaſe* in the *Burden* that lay upon them; it was all one whether the *Starchamber* or *King's Bench* did cruſh them by immoderate Fines. But to put all out of diſpute, the Statute 17 *Car.* ſays expreſly, That *from henceforth no Court, Council, or place of Judicature ſhall be erected, ordained, conſtituted, or appointed within this Realm of* England, *or Dominion of* Wales, *which ſhall have, uſe, or exerciſe the ſame, or the like Juriſdiction, as is or hath been uſed, practiſed, or exerciſed in the ſaid Court of* Starchamber: And this was upon very good reaſon, becauſe thoſe great *Fines* impoſed in that Court, were *inconſiſtent* with the Law of *England*, which is a *Law of Mercy*, and concludes every *Fine* which is left at diſcretion, with *Salvo Contenimento*. If the Fines impoſed in the *Starchamber* were an *intolerable Burden to the Subject, and the means to introduce*

duce an Arbitrary Power and Government, as that Statute recites, the like proceeding in the *King's Bench* can be no less grievous, and must produce the same Evil. Laws that are made upon new occasions, or sudden immergencies, the Reason upon which they were made may cease, and consequently they do cease also; but Laws that are grounded upon the *ancient Principles of the Government* cannot cease, because the Reason of them will ever continue; and this Statute of *17 Car.* being such, no doubt holds good, and is now in as much force as the first moment in which it was made; and therefore this *Fine* imposed on my Lord *Devonshire* is in open defiance of that Statute.

I think no man can altogether excuse my Lord *Devonshire*; for my part I don't, but think it was a very inconsiderate rash act, and I believe the *Indiscretion* of it abstracted from the *Fine* is a very sensible trouble to him; yet if those things were wanting which may be urg'd in his *excuse*, the *Offence* and *Punishment* don't seem to bear proportion. Could not the *Merits* of his *Father* be laid in the balance, nor the Surprize of meeting Coll. *Culpepper?* for my Lord having been abused by him, a man of so great Courage and Honour as my Lord *Devonshire*, must needs feel and remember it a long time, having received no satisfaction or reparation made him for it; but if there were nothing of this in the Case, could all that may be said to alleviate his *Offence* be urg'd against him with a double weight, were the Circumstances of the *Fact* as foul and aggravating, as the *Malice* of his *Enemies* could wish, yet surely a less *Fine* might have serv'd, for the *Law* calls in a great

many grains of *Mercy* into every *Judgment*, and has ever look'd upon a over-rigid *prosecution of the Guilty to be no less Tyranny than the prosecution of the Not guilty*, because it is *Summum jus*, and has declar'd that to be *Summa Injuria*.

But besides all this, I do conceive with submission, that *where the Law has intrusted the Judges with a power to fine, it is in a much less degree than they have done in this Case:* First, because the *Law* is very cautious whom and with what it does intrust: it reposes a great confidence in the King, yet in some cases his Acts are not regarded by it, as the King can do no *Ministerial Act*, a Committment *per speciale mandatum Dom. regis*, is a void Committment: Where there lies an Action in case of Wrong done to the Party, the Acts of the King in those cases, according to the old Law Phrase, *are to be holden for none.*

Secondly, *Because Liberty is so precious in the eye of the Law, it is of so tender a regard, that it has reserv'd the whole dispose thereof to its own immediate direction, and left no part of it to the Discretion of the Judges, and what the Law will not suffer to be done directly, it does forbid that it be done indirectly or by a side-wind*; and so consequently the Judges cannot impose a greater Fine than what the Party may be capable of paying immediately into Court: but if the Judges may commit the Party to Prison till the Fine be paid, and withal set so great a Fine as is impossible for the Party to pay into Court, then it will depend upon the Judges pleasure, whether he shall ever have his *Liberty*, because the *Fine* may be such as he shall never be able to pay: And thus every Man's Liberty is wrested

wreſted out of the diſpoſe of the *Law*, and is ſtuck under the *Girdle* of the Judges.

Thirdly, Becauſe the *Nation* has an *Intereſt* in the Perſon of every particular Subject, for every Man, either one way or other, is uſeful and ſerviceable in his Generation, but by theſe *intolerable Fines* the *Nation* will frequently loſe a Member, and the Perſon that is Fin'd ſhall not only be diſabled from doing his Part in the Common-wealth, but alſo he and his Family will become a *Burden* to the Land, eſpecially if he be a man of no great Eſtate, for the exceſſive Charge that attends a Confinement will quickly conſume all that he has, and then he and his *Family* muſt live upon *Charity*. And thus the poor man will be doubly puniſh'd, firſt, to wear out his days in *perpetual Impriſonment*; and ſecondly, to ſee Himſelf and Family brought to a Morſel of Bread.

Fourthly, Becauſe in all great *Caſes*, and ſuch as require a grievous Puniſhment, the Law has in certain awarded the Judgment, and next to Life and corruption of Blood, a ſeverer Puniſhment cannot be impos'd, than to be *Fin'd* more than a man can pay, and to lye in Priſon till he does: But if ſome great Caſes did happen, which could not be foreſeen, it was always uſual with the *Judges*, when any ſuch Caſe came before them, to adjourn it to the Parliament, which had been needleſs, if they could have puniſh'd at the rate that our Judges have of late done.

Fifthly, Becauſe where-ever the *Law* has ſet down a *Fine*, either by way of *Puniſhment* or *Caution*, it ſeldom exceeds 2000 *l.* Nay, even in that tender place of Liberty, *if a Judge ſhall not relieve with an* Habeas Corpus, *but let the perſon*

Languish in Prison, yet the third Offence is but 2000 *l. Penalty*; and I suppose that that is but inconsiderable, in comparison of what any of the Judges are worth, yet it being taken as a Punishment, is by the Law look'd upon as a great Sum.

Sixthly, Because the Law of *England* being a *Law of Mercy*, and very careful to prevent *Violence* and *Oppression*, and to that end having for almost every *Offence* appointed its particular Punishment, it cannot be suppos'd to have left so great a power in the *Judges*, as they have exerted in this Case. True it is, some things are left to their *Discretion*, because it was not possible to foresee every particular Case that might happen, yet they are things of the least size that are so intrusted to their Judgment, for (as was said before) *matters of any considerable moment were still reserv'd to the Parliament*, as also the review of what the Judges should do in those lesser matters, which were left to their Discretion.

As these Proceedings are a great Wrong to the *Subject*, so are they no less a Disadvantage to the *King*, because they will make his Government look very rigid and severe, and gives it a grim fierce Countenance, which, tho' I don't say that it will make the People rebel, yet I am apt to believe that it will set them upon their guard; its fair and gentle usage, that prevails upon reasonable and free-born Men; it's an easie Government that will bow the Hearts of the People of *England*, for, says the Statute *P. M.* That *the Estate of a King standeth more assured by the love of his Subjects than in fear of Laws*; so that the King will be on the *losing hand* by these proceedings, because it spoils the complexion of his Government.

And

And the King will yet be a farther Sufferer, for if 30000 *l.* be the price of a *Blow*, it will make *White-hall* very empty; for he that goes thither must approach it with fear and trembling, because he does not know but he shall be ruin'd before he comes thence; for though a man arm himself with all the Resolution he can, yet it cannot be Proof against the Contrivance of those that intend to do him a Mischief, especially if he is not upon very good terms at Court, there will never want those who will endeavour to draw him into the Snare, hoping to merit by it, though perhaps they mistake their aim; yet however, *Revenge*, that is so sweet, will be greatly encourag'd to provoke him, because he cannot hope to reek his Malice so plentifully as this way, because if his Attempt succeed, the other is ruin'd: nay, if he do not strike, but only defend himself, yet if the Judges don't like the Complexion of the Man, they will call the *Fox's Ears Horns*, and lay all the Blame on his Back, and pronounce him more guilty that looks over the *Hedge*, than he that *steals the Horse*.

Since the Business of my Lord *Devonshire* happened, I have heard him blam'd as the Author of his own Misfortune, and that he drew the Mischief upon himself; and the Reason given, was, *because he ought not to have gone to Court*; *for*, said they, *he knew there were many there who wish'd him ill, and therefore sooner or later he would meet with an Affront, and if he once fell into their Hands, he must expect no Quarter*, because Coll. *Culpepper*, who, without any provocation of my Lord's part, had so unnecessarily fallen upon him, and had by drawing Blood upon my Lord forfeited his Hand;

yet not only that, but all the reſt of the Judgment was pardoned, and therefore as well that as this are look'd upon as buſineſſes that were laid. But in ſaying this, I only tell your Lordſhips what is ſaid *without doors*, and I don't ſpeak it as my *Opinion*, but ſetting the tattle without doors aſide, I do conceive, *that can never be a juſt Judgment which injures the King as well as the party that is puniſh'd.*

But the true nature of my Lord *Devonſhire's Offence* has not yet been throughly conſidered; the *Law* does in all caſes give great Allowances to what is done on a *ſudden heat*, where there does not appear any *Premeditation*; and for this Reaſon, when a man is indicted for Murder, if upon the Evidence there does not appear *Malice prepenſe* either expreſs'd or imply'd, the Party accuſed ſhall have his *Clergy*: and for the ſame reaſon, though it be *Death* to maim or diſfigure another, yet if it be done on a *ſudden heat*, the Party ſhall not dye for it; for in theſe and the like caſes the Law thinks him to be more blame worthy who gave the Provocation, than he that was ſo provok'd, becauſe it was not the effect of an evil *Mind*, but of *Paſſion*; *Et actus non ſit reus niſi mens ſit rea.* If therefore it be true which I have heard, That the King promiſed my Lord *Devonſh.* that Coll. *Culpepper* ſhould never come to *White-Hall*, it will then follow, that my Lord *Devonſhire's* ſtriking Coll. *Culpepper* was the effect of Paſſion, and not of Intention, becauſe he could not expect to meet him where he did. If ſo, I conceive with ſubmiſſion, that the Puniſhment and Offence don't in any meaſure bear proportion.

But

But I am perſwaded that the Judges were reſolved upon what they have done before they heard the Cauſe, in caſe my Lord was found guilty, and the rather, becauſe my Lord Chief Juſtice was harranguing the Offence beforehand; for when my Lord *Devonſhire* appeared *6. May*, he told him, that to ſtrike in the King's Palace was little leſs, or next door to pulling the King out of his Throne: Indeed, on the laſt day of the Term he did explain them thus; That the Time and Circumſtances might be ſuch, as it would be little leſs than the aſſaulting the King in his Throne; But ſeveral have told me, who heard him, and they ſay, The firſt words of *Time and Circumſtances* were not mention'd by him *6. May*; and in particular, a Noble Lord of this Houſe is one from whom I had my Information; and if it were ſo, thoſe words ſavour too much of a prejudging the Cauſe.

There is no doubt, but in caſe of a *Fine* ſet the Court may commit the Party, in caſe of obſtinacy, for not paying the Fine into Court, yet this is to be taken *cum grano ſalis*, for if the *Fine* be immoderate, or elſe he has not the Money then ready, but either offers Security to pay it, or elſe prays for ſome time, and in the interim to ſtand upon his Recognizance in either of theſe Caſes: to *commit* for not paying the *Fine* into Court, is not juſtifiable, becauſe it is to puniſh for not doing an Impoſſibility, for *Lex non legit ad impoſſibilia.*

Secondly, It is not juſtifiable, becauſe if the *Fine* be paid, the Law is as much ſatisfied if it be paid five years hence, as if it be paid then immediately into Court, for the *Law* does not ſuppoſe,

poſe, that the moſt wealthy man does carry ſo much Money about him.

Thirdly, It is very unreaſonable, becauſe it does in a great part diſable the perſon to pay the *Fine*; for if he be a man that manages his own Affairs, his Writings, that are neceſſary to make the Security, may be ſo diſpos'd of, that it will be difficult to come at them; beſides, there being a neceſſity upon him to have the Money, thoſe of whom he is to have it will be very apt to hold him to harder terms, for the World is ſo unnatural and brutiſh, that one man is but too prone to make his Advantages upon the Misfortunes and Neceſſities of another; and that Proverb *Homo homini lupus*, is in no Caſe more true than in the buſineſs of Money.

AR-

ARGUMENTS

AGAINST

The Diſpenſing Power.

THAT which Sir *M. H.* foreſaw and prophecied, is now fulfilled, *viz.* That our *Slavery*, whenever it happen'd, was rather to be feared from the *Twelve Redcoats* in *Weſtminſter-hall*, than from 12000 *ſtanding Forces*: for this Opinion, if from henceforward it ſhall be *Law*, then has our *Freedom* received a dreadful *Wound* in the *Head*: for we ſhall hold all our *Rights* and *Properties* but precariouſly, even no longer than it is the King's pleaſure to have it ſo.

Reſolved by Lord Chancellor Egerton, *no* Non obſtante *could diſpenſe with the Law about* Sale of Offices.

Coke 234.

But be it as it will, and how clear ſoever it may appear to the *Judges*, yet at preſent it does confound the *Underſtandings* of all People beſides, becauſe till now it has been hidden from the Eyes of our ableſt Sages of the Law, wrapt up in ſuch Clouds and thick Darkneſs, that the moſt diſcerning of them have not been able to pry into

into it; and therefore it paſſes all our Underſtandings, that this Sett of *Judges*, who had not *Law* enough to employ them at the *Bar*, before they were raiſed to the *Bench*, ſhould find out the *Secret*, and give an *Abſolute Opinion*, for which there is not any preſident to be produced, and therefore ſhrewdly to be ſuſpected that it is not grounded upon *Law*, no more than thoſe Opinions were for which ſeveral *Judges* have been *hanged*. The Law of *England* has ever been reputed to be as *plain* and *intelligible* as that of the *Jews*, which was written on the *Palms of their Hands*, ſave only when Judges are ignorant and needy, and are aſſured that Parliaments are at a great diſtance, and then only are ſuch Opinions as thoſe given, for their *Ignorance* makes them aſſured, their *Poverty* makes them leap before they look, and when *Parliaments* ſeem very remote, under that ſhelter they grow bold: But it is to be hoped, that ſuch Opinions as theſe will paſs for *Law* no longer than the Nation is govern'd without a *Parliament*, which, ſooner or later, will come as certain as that there will be a *Day of Judgment*.

It is ſtrange that theſe *Judges* ſhould underſtand ſo great a Myſtery as this, unleſs there be as great Vertue in a Judge's Gown as was in the *Mantle* of *Elijah*; and if ſo, how happens it that the ſame Spirit has not reſted on thoſe who have ſate before them on the *Bench*; but if a double Portion of that Excellent Spirit is reſted upon our preſent Judges, that they are able to dive into ſo great a Myſtery as this, and ſee ſo much further than any who have been before them, ſurely they are alſo endowed with the Tongue of *Angles*, and

ſo

ſo can explain this matter to the Underſtandings of the People; which in Duty they are bound to do, or elſe in time, with the price of their *Heads*, they may come to give the true Reaſons of this their Opinion:

1. *That the Kings of* England *are Soveraign Princes.*

2. *That the Laws of* England *are the King's Laws.*

3. *That therefore it is an incident inſeparable Prerogative in the Kings of* England, *as in all other Soveraign Princes, to diſpenſe with all Penal Laws in particular Caſes, and upon particular neceſſary Reaſons.*

4. *That of theſe Reaſons and Neceſſities the King himſelf is the ſole Judge; and which is conſequent thereupon,*

5. *That this is not a Truſt inveſted in or granted to the King, but the ancient Remains of the Soveraign Power and Prerogative of the Kings of* England, *which never was yet taken from them, nor can be.*

Therefore in this Caſe ſuch Diſpenſation being pleaded by the Defendant, and ſuch Diſpenſation being allow'd by the Demurrer of the Plaintiff, and this Diſpenſation appearing upon *Record* to come time enough to ſave the Defendant from the *forfeiture*, Judgment ought to be given for the Defendant *& quod querens nil capiat per billam.*

Soveraign Power is of a vaſt extent, that is as much as unlimited, and to which no Bounds is or can be ſet. That the Kings of *England* in Parliament have a *Soveraign Power*, is true; that with the Conſent and Concurrence of the Lords

and

and Commons he may do what he will, is without queſtion; and it is as certain, that out of Parliament his Power is limited and confined within certain Bounds and Limits, which he cannot paſs without doing violence to Juſtice and the Laws; for there are two Powers in the King, the one in *Parliament*, and that is *Soveraign*; the other out of *Parliament*, which may be directed and controuled by the former, and therefore called *Poteſtas ſubordinata*, *pag.* 10. *Rights of the People*, *p.* 9. *Argument of Property*; therefore his Power is *Soveraign*, only *ſub modo*; for out of Parliament many of his Acts are not only queſtionable, but void in themſelves, for what he ſhall do againſt *Law*, thoſe Acts bind no more than if they were a Child's, he cannot command one man to kill another, he cannot pardon a common Nuſance, nor an Appeal at the ſuit of the Party. And multitudes of the like Inſtances might be given; for if the *King's power* out of Parliament was as great as in Parliament, then there's an end of the Policy of this *Government*, and the *Barons Wars* was only to beat the Air.

Rights of the Kingdom, 83.

It is moſt certain, that till theſe late days, during which we have been ſo very much Frenchified, that the *Laws* have been more frequently ſtiled or called the *Laws of the Land*, than the *King's Laws*; and therefore if the Denomination of them declares the right, the King will be found to have no very *ſtrong Title*. But if they had conſtantly been called the *King's Laws*,

Roads are called the King's Highway, but the Freehold is in the Lord of the Soil, and of the Profits growing there as Trees, &c. Terms of the Law, 56.

Laws, yet that is a very Sandy Foundation to build a *power* upon of *ſuſpending* and *diſpenſing* with them at his pleaſure.

Now, if they are the *King's Laws*, then he only made them; but if the Lords and Commons alſo had their ſhare in the contriving and making of them, then that Advice and Conſent of theirs gives them ſuch a Title to an Intereſt in them, that they cannot be *changed* or *altered*, no more than they could be enacted, without their Conſent, for nothing can deſtroy a thing but the ſame Power that made it; and therefore, unleſs the King alone be the ſame power that enacted the Laws, they cannot be properly called *his Laws*, ſo as that at his will and pleaſure he may diſpenſe with them.

But if the *Laws* were *made* and *enacted* by him only, yet it does not follow, that the King may diſpenſe with the *Laws* when to him it ſhall ſeem meet; for there is no King ſo *abſolute*, but may be *limited*. Thus we ſee the *Eaſtern* Kings, who were as *abſolute* as any Princes upon Earth, yet were limited and reſtrained by their own Promiſes and Acts. Even that great King *Ahaſuerus*, who had Ruled over 127 Provinces, when he had made a Decree, he could not revoke, change, or diſpenſe with it; for the Writing which is written in the King's Name, and ſealed with the King's Ring, *may no man reverſe*, *Eſth.* 8. 8. no, nor the King himſelf; which is clear from that famous caſe of the Decree to deſtroy the *Jews*, to reverſe or ſuſpend which, it's plain, he wanted not Inclination, and if ever, would then have exerted his full power, for he was prick'd on by all the Spurs and Inducements that could be in any caſe, yet all he could

could do was, to give the *Jews* leave to defend themſelves; therefore if thoſe Heathen Kings were ſo bound by their Word and Laws of the Country, it's reaſonable to ſuppoſe that Chriſtian Princes ſhould be as much tyed up by their Words and the Laws; and if the King be bound by his Word and the Laws, which he ſhall not paſs, then is he under the ſame obligation as if he had actually given his aſſent to every Law that is now in force, becauſe he has given his Word, and taken an Oath *to preſerve and maintain all the Laws.*

And it ſeems ſomething ſtrange, to hear of a power to diſpenſe with Penal Laws, there being ſo late a Judgment againſt it, the late King in Parliament diſclaiming it: and the whole Caſe is very remarkable, for during the interval of a Parliament, he grants a Declaration of *Indulgence*, and at the meeting of the Parliament tells them, *he had done it, and would ſtand by it, and ſhould be very angry with any man that ſhould offer to diſſwade him againſt it.* Yet though he had thus braved the Parliament, within ten days, openly in Parliament, he diſclaimed it, and confeſſed, that he could not diſpenſe with a *General Law*, and had ordered the Seal to be pulled from the *Declaration.* Surely the Caſe muſt be very plain, that the King, after he had juſtified the thing ſo ſolemnly, yet ſhould ſo ſuddenly eat his words, and confeſs himſelf in the wrong, and to that Parliament too which had almoſt unhinged the Government to pleaſe him, which no doubt would have complied with him in it, had it been leſs than to lift the Government quite

Nothing of force or conſtraint brought him to make that Confeſſion, but the Truth was too evident to be denied.

quite off of the Hooks. And indeed, to ſay that the King can *diſpenſe* with *Penal Laws*, is nothing leſs than to diſſolve the Government, and reſolve all into the *King's Will and Pleaſure*, for our *Parliaments* are then but a piece of *Pageantry* or *Puppet-ſhow*, becauſe in a word the King can annihilate all that they ſhall do in many Ages, all the Proviſions that they ſhall make for the Good of the Nation are but *airy notions* and *painted ſhews*, they are, and they are not, juſt as the King pleaſes.

Now, if the King can do this, to what purpoſe have ſeveral things been done? what means the Statute *de Prerog. Regis*, 17 *Ed.* II? for certainly it's a thing of a much higher and tranſcendent nature, to have power to diſpenſe with all Penal Laws, than to have the Preheminence of the Subjects in ſome particular caſes only: That he has it not in all originally, is plain from that of Appeals; for in caſe of *Murder*, the *Appeal*, at the ſuit of the Party, was to be tryed before the *Indictment*, which was the King's Suit; and this was ſo till *Henry* VII's time, when it was alter'd by Act of Parliament: and this carries in it a great probability, that there is ſomething in *England* that is his *Superiour*; but *Bracton* and *Fleta* ſay, That *Rex habet ſuperiores in regno, nempe Deum Legem & Parliamentum.*

Nay, the *Cuſtom* of the *Mannor* ſhall bind the King.

Statutes to prevent *Fraud* ſhall bind the King.

The King cannot give the *Penalty* of any *Statute* to any Subject; he cannot pardon a common *Nuſance*: how manifeſtly prepoſterous is it then to ſuppoſe, that the King can *diſpenſe* with *Penal*

Laws, and is reſtrain'd in theſe and multitudes of other things of the like nature? It has always been taken for *Law*, that where the Subject has an *Intereſt*, the King cannot pardon, and therefore he cannot pardon one found guilty, upon an *Appeal* at the Suit of the Party: But if he can diſpenſe with all *Penal Laws*, he may alſo pardon where the Subject has an Intereſt, and ſo conſequently *diſpenſe* with all Laws whatever, and then no man's Title to his Eſtate is good, nor can any man ſettle his Eſtate ſecurely, for Fines and Recoveries being now the means uſed in Settlements, and thoſe being directed by particular Acts of Parliament: if therefore the King, for ſome particular neceſſary Reaſons, ſhall think fit to ſuſpend thoſe Laws, all the Settlements in *England* will be ſtrangely confuſed: and of how excellent a uſe, upon occaſion, it may be to diſpenſe with thoſe Statutes which direct *Fines* and *Recoveries*, is very eaſie to comprehend.

Now, this power of diſpenſing ſeems to be of a very late date, for *Forteſcue*, who wrote in *Henry* VI's time, tells us, That *the Kings of* England *cannot alter nor change the Laws of his Realm at his pleaſure*: and the reaſon he gives of it is, *becauſe he governs his People by Power not only royal, but alſo politick*; which is by ſuch Laws as they themſelves deſire: and gives a very pregnant Reaſon why the King cannot alter nor change the Laws, *becauſe the Laws of Men are holy*. And he ſhews likewiſe, *That this Reſtraint is no diminution to his Power, but does rather aggrandize him, it being a greater power in a Prince to be reſtrained by Law from oppreſſing, than to have an abſolute regal power.*

Ne-

Neceſſity is a very extenſive thing, unleſs it be limited to the Common Good, and to be alſo ſuch, that it is obſervable by the People; for otherwiſe ill Pretences will never want a *Neceſſity* for any *Irregularity* that they have an inclination to commit it; and ſo it will prove the Handle for all the Evil that the Wit and Malice of Devils and Wicked Men can invent, or which ſhall be committed under the Sun: And this alone will ſerve to make the Power of Princes nearer to that of God than any other thing whatever.

The *diſpenſing with the Laws* on pretence of neceſſary Reaſons, was ſufficiently laughed out of countenance in the caſe of *Ship-money*, which carried a more probable ſhew with it than the neceſſity of *diſpenſing with the Laws*, to let *Papiſts* into Office; for in that of *Ship-money*, the Myſtery of Neceſſity was ſo palpably unfolded and diſcovered, that it's ſtrange the ſame Trick ſhould be played again ſo ſoon, whilſt the Memory of it is yet freſh.

It may as well be pretended, that what is done for the ſake of ſome few particular perſons is for the Common Good, and to pretend it's neceſſary to *diſpenſe* with the *Penal Laws* to let *Papiſts* into Office; for the Laws to keep Papiſts out of Office, were made upon the greateſt Reaſon that could be, for by refuſing to take the Oaths, (which are but a reaſonable Security to the Government) they do render themſelves more than ſuſpicious, that they look upon themſelves to be under another Juriſdiction, but by their frequent Plots and Conſpiracies they have made themſelves the declared Enemies of the Government, for they have been the Authors of all our Diſturban-

ces, and the Fire that has lighted every Flame that has broke out in this Nation. And therefore it's highly reaſonable that they ſhould have no place in the *Magiſtracy*, and the *Government* is very tender towards them, that it ſuffers its *profeſſed Enemies* to have any Benefit under it: And therefore to *diſpenſe with the Laws* that *Papiſts* may be let into Office, if this Neceſſity is juſtifiable, then may alſo any other that can be thought on to ſerve a preſent turn or occaſion.

Government and Law, ſays *Plato*, *is to preſerve the huge and undigeſted lump of a Multitude, and to bring all Diſorder into proportion, ſo as to become an Harmony.*

And *Aquinas* ſays, *It is a rational Ordinance for the advancing of the Publick Good.*

Government, ſays another, *the end of it is to protect both King and People from Wrong and Violence.*

Juſtitiæ fruendæ cauſa reges eſſe creatore, ſays *Bodin.*

All others who have written of Government, or given a definition of it, do concurr with the ſence of theſe that are quoted, the ſum of all which is this; *That the end of Government is for the Common Good of the ſeveral Societies of Men*; and therefore what is not for the *Common Good* is repugnant to the *Government*: ſo that if a power to *diſpenſe with Penal Laws* be not for the *Common Good*, then cannot the King of right pretend to it, which it cannot be, becauſe it manifeſtly tends to alter the Government, and to give up all to the *will and pleaſure of the King.*

Obj. *But*, ſay ſome, *the Power of diſpenſing with the* Penal Laws *is not a Truſt.*

But

But that will be denied till one of theſe three things can be proved:

Firſt, That the King of *England* has begotten all his Subjects, and ſo they are all Princes of the Blood.

Secondly, That *God Almighty*, in Holy Writ, has ſet down what form of Government every People in the World ſhall live under.

Thirdly, That this *Government* is exactly according to that *Model* in *Holy Writ*.

That a King begot all his Subjects, is a thing never yet heard of, no, not ſo much as in a *Romance*.

The greateſt Divines that have been could never yet find, that any ſort of *Government* was ſet down in *Holy Writ* as a *Model* to the ſeveral People that are under the Sun; and the ſeveral *forms of Government* that there are in the World, is an undeniable proof that God left every People, the *Jews* excepted, to *model and frame their Government*, as it ſuited and agreed beſt with the Humor and Diſpoſition of the People who were to live under it: and therefore it will follow, that the People of *England* did frame and chuſe the Laws and Conſtitutions under which they were to live and be governed by; and therefore it is undeniable, that what Power ſoever the King can claim by *Law*, is a Truſt inveſted in and granted to him by the People; and if ſo, it cannot be ſuppoſed that they would give him ſuch a power, as to leave it to his diſcretion to diſpoſe of all they had as to him ſhould ſeem meet, for thereby they would render themſelves as ridiculous as *Solomon*'s fooliſh Woman, *who pulls down her Houſe with her Hands*; for *Forteſcue* ſays, That *no Nation did ever*

of their own voluntary mind, incorporate themſelves into a Kingdom, for any other intent, but only to the end that they might with more ſafety than before maintain themſelves, and enjoy their Goods from ſuch Misfortunes and Loſſes as they ſtood in fear of; for no ſuch power ſurely could have proceeded from them, Forteſc. 34. But ſuppoſe that the People had given the King ſuch a power, yet it being repugnant to the Common Good, it ſeems to be void of it ſelf; for our Lawyers ſays, *If the King be deceived in his Grant, he may revoke it.* If then the King may do it when it concerns ſome trivial thing *à fortiori*, may the People revoke their Grant, if deceived in ſo high a point as their All?

But further, in this Caſe of *diſpenſing* with *Penal Laws*, as it violently tends to give up all to the King's will and pleaſure, ſo if all were at his diſpoſe, yet in regard that it does not anſwer to the end of *Government*, he cannot pretend to it; for the way of *governing* muſt be both right and clear, as well as is the end: but how that will appear in *diſpenſing with the Laws*, is as dark as a Beggar's Pedigree.

For *Lex fecit regem*; *A King is given for the Kingdom, and not the Kingdom for the King*, ſays St. *Thomas*. And *Forteſcue* ſays, *In a Body-politick the intent of the People is the firſt leving thing, having within it Blood.* That is to ſay, politick Proviſion for the Utility and Wealth of the ſame People, which it dealeth forth and imparteth as well to the Head as to all the Members of the ſame Body, whereby the Body is nouriſhed and maintained. And he ſays further, That a *King who rules by Power politick receives his Power from the People.*

If

If it be objected, *That many things are left to his Diſcretion*; tho' it be great, yet that *Diſcretion* muſt be guided by Law, for *Diſcretion and Law ſhould be concomitant, and the one to be an Accident inſeperable to the other.* P. 31. Treat. of Bail.

The *Saxons*, from whom we derive our *Government*, had all the Enſigns and Badges of *Freedom*, and ſeemed in the original conſtitution of it, to have with the utmoſt foreſight guarded thoſe Avenues at which it was moſt likely to be attacked by *Abſoluteneſs*, being ſenſible and growing wiſe at the loſs of their Neighbors, that Kings are too prone to encroach upon the *Peoples Rights*, therefore though they yielded him a ſort of *Subjection* for the advancement of the Common Good, yet they took all the care they could to prevent being govern'd by his Will: for *Dion* ſaith, That *the People held the Helm of Government in their own power.* And another very good Authority ſays, That *the* Saxons *were a free People, govern'd by Laws made by the People, and therefore called a free People, becauſe they are a Law to themſelves*: Which *Forteſcue*, *p.* 26. does confirm, for he ſays, That *a People govern'd by power politick are ruled by ſuch Laws as they themſelves deſire.* Therefore, after all this, to ſay that the King can *diſpenſe* with all *Penal Laws*, and conſequently with all *Laws*, there is nonſence in one of the two, yet ſurely it will light upon that which is without preſident, rather than upon that which may be juſtified by that which has paſſed for Law till within theſe few months. Nothing ſeems more unnatural than this power of *diſpenſing with the Laws*; it thwarts the Law of *Nature*, and the Dictates of *Self-preſervation*, and beſpeaks our Forefathers to

be a company of *Madmen*, rather than men incorporated together for the mutual conſervation and good of each other.

Now, that which gives as great a blow as any thing to this Opinion, is the place whence the *Judges* would fetch this power of *diſpenſing*; not from Preſidents, and a conſtant exerciſe of it, but from a dark obſcure Original, to perplex and not explain their Reſolution, to lead People into the dark, and not to make it clear to the Underſtanding.

The *Saxon* Kings at firſt were *Generals*, who received their power and inſtructions by which they were to act from the People; but the continual Wars occaſion'd the conſtant uſe of a General, and by degrees he became a ſetled Officer, and at laſt gained the Title of *King*, ſo that the *Prerogative* has always been on the gaining, not on the loſing hand; therefore there remains no Pretence of any higher power in the Crown, than what has been exerted by this and the late King; and if there be any ancient Remains of Power, it's what of right adheres to the People, becauſe they are the *Original Power*, unleſs the *King* or the *Government* come immediately from *Heaven*.

But if this unbounded Power had been originally in the King, yet it cannot be ſo in him, but he might part with it, unleſs the Power of a King be advanced above that of *King of kings* and *Lord of lords*, for God Almighty is tyed up and bound by his Word, and having once given it, he cannot revoke or gainſay it.

PRAYERS

PRAYERS

WHICH

His Lordſhip Uſed in his Family.

O H moſt gracious and merciful Lord God, thou only art God, and there is none beſides thee: thou wert and will remain to all Eternity, the ſame yeſterday, and to day, and for ever, for in thee is no alteration, nor ſhadow of changing; thou ſtand'ſt in need of nothing, becauſe thou art infinitely perfect, and therefore happy in thy ſelf: There is not any thing that can add unto thy perfection, for as thou doſt not ſtand in need of it, ſo all other things are unmeet to be compared unto thee: what profit then are all our Devotions that we offer up unto thee? and, what art thou the better for all our Services? no Advantage can thereby redound unto thee, were they void of thoſe Imperfections with which they are attended, for even the greateſt Righteouſneſs that we can boaſt of, is but as filthy Rags; and yet, O Lord, ſo good

good and gracious thou art, that thou art willing and ready at all times to receive them, tho' they are no better; yea, thou calleſt and inviteſt us to come and worſhip before thee.

We humbly confeſs and acknowledge that we are ſinful Duſt and Aſhes, we were conceived and born in Sin, and have every moment of our lives added thereto many actual Tranſgreſſions, both of omiſſion and commiſſion; we have ſinned againſt clear Light and the Conviction of our own Conſciences; we have lent a willing ear to the Enticements of Satan, and the Alurements of our Luſts and Corruption, but have turn'd a deaf ear to all the Calls and gracious Invitations that thou haſt given us to return into the path that leads to Life; we have endeavour'd to ſtifle the Checks of our Conſciences, and though we have not been able to blot out the impreſſion and belief that there is a God, yet we have too much lived like practical Atheiſts, and have walked ſo looſely and carnally as if there had been no God to whom we muſt render an account of all things we do here below, whether they be good or evil; we have ſinned beyond forgiveneſs, had not thy Mercy been greater than all thy Works, and that thou canſt pardon more than we can offend.

O Lord, poſſeſs us with a true ſence of thy Divine Majeſty, make every one of us ſenſible that we have done amiſs, let us bewail our Tranſgreſſions from the bottom of our Hearts, and make us truly ſorrowful that we have grieved thy Holy Spirit, and duly to conſider how ungrateful a thing it is to offend ſo good a God, a God *by whom we live, move, and have our being*, and from whom cometh every good and perfect Gift: make us con-

contrite for all our Offences, and for the future to take up Resolutions of better Obedience, and of walking more humbly with thee; and especially let us avoid all those things, whereby we have brought publick Dishonour to thy holy Name, or been an occasion of making others to sin: let us redeem the time by a more exact obedience to thy holy Law, and the remainder of our days to *work out our Salvation with fear and trembling*, and be solicitous *to make our calling and election sure*; to that end let us be daily *trying our ways, and searching into our Hearts*, to discover the Sin that does most easily beset us; and in all we do, still to beg thy gracious assistance, knowing that otherwise all we do will be in vain, for without thee we are not able of our selves so much as to think a good Thought, much less to do any good Action: make us sensible how weak and frail we are, and that the Devil is vigilant and diligent to draw us aside from the way that leads to Life; that he is subtile, and knows how to suit his Temptations to our several Dispositions and Constitutions: make us daily to remember our latter end, and the great day of Accounts, and that Reckoning that sooner or later we must every one of us make: let us never forget how short and uncertain our Lives are, that we know not the number of our days; that a time is set which we cannot go beyond; and that we are not sure of our lives one moment; that *as the Tree falls so it lies*; that *as Death overtakes us, so Judgment will find us*: Therefore let us be so prepared for our change, that whenever Death comes, it may neither surprize us, nor be unwelcome.

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Wean our Hearts and Affections from the things of this World, and fix them upon thoſe that are more ſolid and permanent: let us ſee how vain, uncertain, and unſatisfying they are: let us remember that they are only lent, and not given us, and that when they are taken from us, no wrong is done; and therefore ſo long as thou art pleas'd to allow us the enjoyment of them, let us thankfully receive them, and carefully employ and improve them; and when we are depriv'd of any of them, let us not repine, but in all things learn and practice a Submiſſion to thy good pleaſure.

Good Lord, we beſeech thee to bleſs our King and Queen, in making them ever mindful for what end they were raiſed to ſo high a dignity as to ſit on the Throne of theſe Kingdoms, namely, to promote thy Glory, and the good and welfare of their People; let them ſee that this only is their beſt Intereſt, and that nothing can make them ſo great and happy as by being zealous therein: Let them with their Eyes drive away from their Throne all thoſe that would draw them aſide from thy Glory, or the Good of their People, and teach them the *things that belong to their Peace.*

And be gracious, we humbly beg of thee, to this poor Land and Nation, make it happy in a long and proſperous reign of our King and Queen, let all their Subjects conſcientiouſly do their Duties in their ſeveral ſtations, uphold every man in his Integrity, that ſeeks thy Glory, or wiſhes the Good of his Country; let them not be diſmaid when they ſee things go contrary to what they apprehend or wiſh they ſhould do; let them remember that though there be many Devices in a

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Man's Heart, yet that the Counſel of the Lord that ſhall ſtand; that God will bring about his own work in his own way, and accompliſh his pleaſure in his appointed time, and when that time is come, he will not want Inſtruments to effect his purpoſe: and let us learn, that *the wiſdom of Man is fooliſhneſs with God*, for he can take the Crafty in their own Devices: Therefore howſoever publick Affairs may move for the preſent, let every one of us be diligent in our ſtations as we have opportunity; let us patiently ſtand ſtill, and ſee the Salvation of God, and ſubmit to his good pleaſure, whatever it ſhall be.

And let thy Bleſſing reſt upon this Family; lift up the *light of thy Countenance* upon us, and love us freely: as it is a Family of note and eminency ſo make it remarkable for ſobriety and good order; and as it is above others, ſo let it be exemplary for the good Converſation of every Member of it, and thereby give occaſion to others to glorifie thee our Father which is in Heaven: Let us all be diſpoſed to do that which is good and acceptable; let thoſe that are to inſtruct others be careful to walk ſuitable to the Precepts which they teach; and thoſe that are to learn, let them be enclined and willing to receive Inſtruction: Let us all do our Duties faithfully and honeſtly, not with Eye-ſervice, like Brutes, but as Rational Creatures, that know how to chuſe the good and refuſe the evil.

And viſit with thy Mercy, we beſeech thee, all the Sons and Daughters of Affliction, *relieve them according to their ſeveral neceſſities*, lay no more upon them than they ſhall be able to bear, ſanctifie thy Hand to every one of them, and in thy

good

good time put an end to their Sufferings: Let thy Correction be that of a loving Father, for their amendment, but not for their deſtruction; and ſanctifie all thy Viſitations to us in particular: Let us not repine at thy good pleaſure, if thou with-holds any thing we want, or deprive us of any thing we already poſſeſs, for us *ſtill ſay, the Lord is righteous*, but we are leſs than, and unworthy of the leaſt of his Mercies, *the Lord gives, and the Lord takes away, and bleſſed be the Name of the Lord*. Make us of a holy and humble Temper; let it be our chief care to glorifie thee, knowing that thoſe that love and fear God are ſure to want no good thing, which he finds to be meet and convenient for them.

Teach us, O Lord, to order our Converſation aright: Let us daily preſs after the price of the *High Calling* that is in *Chriſt Jeſus*, ſo that at the laſt we may attain to that bleſſed place of Reſt, where we ſhall have no more Want or Sorrow, but *to all Eternity* ſing *Praiſes* and *Hallelujahs* with the Father, Son, and Holy Ghoſt; to whom for ever be aſcrib'd, as is moſt due, all Honour, Glory, Might, Excellency, and Dominion, both now and for evermore. *Amen.*

O Eternal Lord God, thou art holy, juſt and upright, and of purer Eyes than to behold Iniquity with the leaſt approbation, how then *ſhall we dare* to preſume to lift up our Eyes or Hands unto thee, which are ſo full of all manner of *Defilement* and *Uncleanneſs*? Our ways have been perverſe and crooked before thee, and the Thoughts and Imaginations of our Hearts have been

been evil, only evil, and that *continually*; with the ungrateful Lepers we have neglected and forgotten to return thee praiſe and thanks for thy Mercies and Benefits, which thou with ſo open and plentiful a hand haſt beſtowed upon us: We have not been careful to improve, to thy glory, the opportunities and talents that thou haſt put into our hands; we have forgot our vows and promiſes of better obedience, have dealt deceitfully with thee in thy Covenant, and ſtarted aſide like a broken Bow, by all which we have forfeited all the right and title that we might otherwiſe have laid claim to in thy favour, and have rendred our ſelves the objects of thine eternal wrath and diſpleaſure.

But thou, O Lord, who haſt declared thy ſelf to be a God pardoning Iniquity, and to delight in Mercy, not *willing* that *any* ſhould be damn'd, but that *all* ſhould come and be ſaved, regard us, we beſeech thee, not as we are dead in Treſpaſſes and Sins, but look upon us in and through the Merits of our Saviour Chriſt Jeſus, who has paid a ſufficient price for the Offences and Tranſgreſſions of us and of *all the World*, having redeemed us by his moſt precious Blood; give us ſuch a ſteddy Faith in him, that we may with confidence approach the Throne of Grace: oh, pardon our Sins, and do away our Offences for his ſake: we acknowledge we have offended, and done that which is exceeding ſinful in thy ſight, yet be not extream to mark what we have done amiſs, and enter not into Judgment with thy Servants, but in Mercy conſider whereof we are made, and remember that we are but Duſt encompaſs'd with Frailties and Infirmities, and ſo prone

prone to Evil, that of our ſelves we are not able ſo much as to think a good Thought; therefore cleanſe and purifie us both in Body and Mind, that we may be able to do that which is acceptable in thy ſight: take away the reigning power of Sin, that our Wills and Affections may be brought into obedience to the Law of Chriſt; and let the time paſt ſuffice us to have wrought the will of the Fleſh: raiſe up our thoughts and deſires Heaven-wards, and convince us of the emptineſs and vanity of theſe ſublunary Enjoyments, that we may not be drawn aſide by them: let us uſe this World as if we uſed it not, and conſider it but as a Paſſage into Eternity: let us ever be mindful of the Snares and Temptations that lye in our way, and that the Devil, *as a roaring Lyon, walks about continually ſeeking whom he may devour*; that he is crafty and ſubtile, and knows how to ſuit his alurements and wiles to the temper and inclination of every one of us: give us Grace to reſiſt him, and Power to withſtand and conquer all his Devices: ſtrengthen us with Grace in the inward man, that we may be able to preſent our ſelves before thee at the great day of account, holy and acceptable in thy ſight.

And to that end let us be daily ſearching and trying our ways and doings, that we may find out our weakneſſes and infirmities, and diſcover the Sin that does the moſt eaſily beſet us, and then let us meekly and earneſtly beg thy gracious aſſiſtance againſt them; and be thou found of us, we humbly pray thee, oh moſt merciful Lord God.

Let

Let us be daily making an even reckoning with thee by Repentance, and let it be ſincere, and from the Heart: convince thou us of the danger of a late or Death-bed Repentance: make us mindful of our ſhort and uncertain ſtay and abode here; let us be ever mindful that the young dyes as well as the old, the healthy as well as the diſeaſed: let us not preſume upon our Conſtitution or Youth, but remember that the time of our departure is ſet, and that after death there remains no more atonement for Sin. Therefore, O Lord, we entreat thee to *make us wiſe unto Salvation*, that at what hour ſoever the Maſter comes, we may be found doing his Will, and then receive the Reward which thou haſt promiſed to thoſe whom thou ſhalt find ſo doing.

Look down in mercy upon this poor Nation, prevent thoſe Judgments which our Sins and Tranſgreſſions have called loud for againſt us, and cauſe thy Face to ſhine upon us; and to that end be merciful to the King, that he may ſee his true Intereſt, and let all his Deſigns and Conſultations be directed to the advancement of thy Glory and ſetling the Peace of this Land: let no weapon formed againſt this ancient Government proſper, and turn the deſigns of all thoſe who have Evil to our *Sion*, upon their own Heads with ſhame and confuſion, to the manifeſtation of thy Glory, and the Comfort of thoſe who wiſh her well: and to all thoſe whom thou ſhalt call out to have a ſhare in the adminiſtration of affairs, give them Underſtanding to ſee what they ought to do and ſay, and Courage to reveal what thou ſhalt put into their Hearts, and do it with an honeſt and upright intention, that they may have cauſe to hope for

thy Bleſſing upon their Endeavours, and let us all learn to fear thee, and in our greateſt difficulties to look up unto thee, and not to depend on an Arm of Fleſh: make us a People *zealous of good works*, and let Holineſs to the Lord be engraven upon us.

And bleſs us alſo of this Family, all thoſe that are related unto it, and thoſe for whom any of us may be in a particular way concerned for: give us Grace to walk humbly and with obedience before thee; let us in our ſeveral employments and ſtations ſtudy to do our duty conſcientiouſly, ſetting thee before us in all our Actions: add unto us the good things of this Life, bleſs our Basket and Store, and ſo thankfully receive and carefully beſtow them, that they may be Bleſſings and not Snares to us: let us, whilſt we are here, live to thy praiſe and glory, and be ſuch eminent Patterns of upright living, that others ſeeing our righteous converſation, may alſo glorifie thee our Father which is in Heaven.

And remember, we beſeech thee, all the Sons and Daughters of Affliction, viſit them with thy Kindneſs as their ſeveral wants and neceſſities do require, ſupport them under thy Hand, lay no more upon them than they ſhall be able to bear, and let the chaſtiſement of their Bodies turn to the health of their Souls; and enlarge thou our bowels and charity to every Object that needs it, let us give without grudging, and bleſs thy Name that we are not in their ſtead.

And now, O Lord, from the bottom of our Hearts we return our praiſe and thanks for all the Mercies and Favours we have received at thy hands, we acknowledge, that we are unworthy of the

the leaſt of them, and have not been ſenſible of our obligations to thee: but, oh Lord, as thou haſt hitherto conferr'd them upon us, without any Merit on our part, ſo we beſeech thee to continue them to us, for thy Son's ſake Jeſus Chriſt: and we deſire, at this time in particular, to offer up our tribute of Praiſe and Adoration for thy unſpeakable goodneſs to ſeveral of this Family, in that thou haſt deliver'd us from thoſe Fears and Apprehenſions we had concerning them; Death ſeem'd to threaten them, and the Grave ready to devour them, but bleſſed be thy great Name, that didſt rebuke their Diſtemper, and haſt given us ſuch hopes of their perfect recovery; thou wert the needful Help in time of trouble, and let us learn by this to look up unto thee in all our diſtreſſes.

Take us this night into thy protection; let no Evil approach us, but let our Beds be places of eaſe and of refreſhment to every one of us, and raiſe us up in the morning fitted for our ſeveral Callings and Duties. Hear us, O Lord, and anſwer us not according to our demerits, and unworthineſs, or coolneſs in asking, but according to thy love in Jeſus Chriſt: to whom, with thy ſelf and Holy Ghoſt, be all Praiſe and Adoration, both now and for evermore. *Amen.*

Theſe following were ſome Occaſional Additions.

GRacious God, who out of thine infinite Goodneſs doſt allow us the favour of coming into thy preſence, and to make our Supplications unto thee, poſſeſs us, we beſeech thee, with ſuch a ſenſe and dread of thy Divine Majeſty, that our Thoughts may be ſo entirely intent upon the ſervice that we are now to perform, that it may be well-pleaſing to thee; and let all our Oblations be now and ever acceptable in thy ſight, O Lord, our Strength and Mighty Redeemer.

GRacious God, who haſt made it our Duty, as well as our Intereſt, to draw nigh thee, aſſiſt us, we beſeech thee, in theſe our Supplications and Prayers, which we are now about to put up unto thee, and let all our Devotions be now and ever acceptable in thy ſight, O Lord, our Strength and Mighty Redeemer.

WE bleſs thy Name for the Mercy of this day, in that thou haſt permitted us to hear thy Word read and preach'd. Grant, O Lord, that what we have heard may ſink down into our Hearts; and aſſiſt us, we beſeech thee, to endeavour to practiſe it in the remaining part of our Lives; and let it be the ſavour of Life to every one of us, and not the ſavour of Death to

any

any: continue thy Goſpel amongſt us, and let not the cloud of Superſtition or Idolatry overſpread and darken theſe Realms.

RAiſe us up in the Morning prepared for the Duties of the day enſuing; let us fix our Thoughts upon the great and holy buſineſs of that day, and not haſtily ruſh into thy preſence till we have deliberately thought upon what we are to do: let us come in meekneſs and humility, that we may hope to meet thee in thine Ordinance, and be ſent away with a Bleſſing. Hear us, O Lord, and anſwer us not according to our demerits and unworthineſs, or coolneſs in asking, but according to thy love in Jeſus Chriſt; to whom, with thy ſelf and the Bleſſed Spirit, be all Praiſe and Adoration, both now and for evermore, *Amen.*

RAiſe us up in the Morning fitted for our ſeveral Duties and Stations, and ſuch of us as are deſign'd to undertake a Journey, go along with us, and preſerve us from thoſe dangers and accidents to which we are then more eſpecially expoſed: guide us in our way, and return us in Grace and Safety, and let us all at laſt meet in thy Kingdom. Theſe and all other thy Mercies we beg, for the ſake of thy Son Chriſt Jeſus our Lord and Saviour; to whom, with thee and the Holy Ghoſt, be all Praiſe and Adoration, both now and for evermore, *Amen.*

AND we bleſs thy great and holy Name, that thou haſt brought us back again in Peace and Safety to this place: through thy great goodneſs we were preſerv'd from thouſands of Accidents to which we were then more eſpecially expoſed. Let us ever be mindful, we beſeech thee, of thy Goodneſs, and endeavour to walk worthy of thy Mercy and Protection.

ACcept, we pray thee, our Thanks for thy little Servant; we acknowledge thy Goodneſs, that he is in ſo good a way of recovery; and bleſs the Means that are uſed of recovery: perfect, we beſeech thee, the good work that thou haſt begun, and ſave his Life, and let him live to be a good old Man; and let us all learn to ſee how frail we are, and that in thee *we live, move, and have our being.*

WE deſire at this time in particular to offer up our Praiſes to thee, for the ſafe return of thy Servant after a long Abſence and tedious Journey; great are our obligations to thee, that we are again met together, and ſee the Faces of one another with ſo much comfort: thy Goodneſs has notably appeared in reſtoring ſeveral of them to their health, who were ſo near the Grave: it was not for any Righteouſneſs or Deſert in us, that thou haſt dealt thus graciouſly with us, but thou art merciful becauſe thou wilt be merciful. O teach us, good God, hereby to love

love thee better, and fear thee more; and let us endeavour to walk worthy of all thy Kindneſs, that it may not repent thee of the Good done unto thy Servants.

AND we deſire, at this time in particular, to bleſs thy Name for the ſafe return of thy Servant to this place; let thy Goodneſs be ſanctified to us, and enable us to expreſs our Thankfulneſs by an upright and obedient walking before thee.

And as for him, as he is like to be a great, ſo make him a good man, give him Grace, that he may *remember* his *Creator in the days of* his *Youth*; let him fear God, and eſchew Evil; give him a true Zeal for thy Glory and the Good of his Country, and make him an eminent promoter of both: Let him *walk cloſely with thee all the days of his life*, that after he has accompliſh'd a good old age here, he may then be received into *Abraham*'s Boſom.

SOME

MEMOIRS

OF THE

METHODS

Uſed in the

Two Laſt Reigns.

IT having been uſual, upon theſe Occaſions, for the Bench to ſay ſomething to the *Grand Jury*, I am apt to believe it may be expected at this time, ſince it is very probable, that many now preſent came hither as well out of curioſity to hear what is given in charge to the *Grand Jury*, as to ſee what ſort of men would ſit upon the Bench.

When I obtain'd the King's Leave to come home, I did not expect to have met you here, ſo that I have had very little time to prepare for this Undertaking, and therefore fear I ſhall not acquit my

my self so much to your satisfaction as might be hoped, and I could desire.

What I have to say is not to fall foul upon any under a Cloud, for I don't desire to sit heavier upon any man than is necessary; so I would, if possible, prevent unreasonable men from setting their Feet again upon our Necks.

I need not tell you, that we were lately upon *the Brink of Destruction*, nor say any thing to aggravate the matter, to make you sensible of the *Condition* we were in; but perhaps many of you may have *forgot*, or are not throughly *informed* how long and by what methods the *Design* was carried on; and to that I will apply my *Discourse*.

The Design of *extirpating our Religion and Liberties* is of a much ancienter date than the Reign of the late King *James*, for he took up the matter as others had left it, and gave the *finishing stroke* to that of which there was violent Symptomes very early, in the Reign of K. *James* I. but being under a necessity of doing every thing obliquely, and by a *side-wind*; till the time of King *Charles* II, it would take up more time than can now be spared, to explain the transaction of those Times, and therefore I only observe how the matter has been carried on since the Restauration of King *Charles* the Second.

That King had no sooner set his Foot again on *English Ground*, but the design of depriving us both of our *Religion* and *Liberties* appeared, tho' in disguise, and in a short time had made a great progress, through the favour of that King, who assisted it all manner of ways, as well by *Rewards* as *Favours*, so that at last it became a Test upon all

all Persons that would be preferred or employed, their *Inclinations to serve that Interest* being more regarded than their other *Abilities* or *Qualifications*; but whether King *Charles* therein follow'd his own *Inclinations*, or was impos'd upon in what he did, I will not now enquire further, lest I should be thought to rake too far into the *Ashes of the Dead*; and therefore I will leave other People to judge, whether he that understood all other things so well, could be so very grossly impos'd upon in this, or that he could be over-reach'd by his Brother, whose *Intellects* were so much inferiour to his.

Thus, by the allurement of *Preferment* and *Employments*, they did hope to draw in many *Protestants*, to lend their *helping hand*, because without their *assistance* they could not carry on the *Work*; and though *Employments* could not be had at any other rate, yet the *Looseness* and *Debauchery* that had then overspread the Land, to which the Example of the King had not a little contributed, had prepared a sort of Men to take *Preferment* on those terms; and the more effectually to do the Business, they were to carry it on under the *disguise of Loyalty and the Church*, for with these they varnish'd over all those *unreasonable things* that were impos'd upon us; and indeed the Tools work'd very keenly, for as their *Zeal* was without *Knowledge*, so they went on at that furious senseless rate, as thereby they quickly gave all thinking Men to understand, that the *Church* and *Government* that was to be here *establish'd*, the one was to be *supported* by *Persecution*, and the other by *Force*.

But

But that I may open this matter more *clearly*, I muſt obſerve, that the force of all their *Endeavours* ſeem'd to tend more eſpecially to ſet up *Arbitrary Power*; and the reaſon of it was, becauſe if they *attain'd* that, they were certain to carry the other: and in this they follow'd the *method* that has ever been taken to introduce *Popery*; for if a People are once made *Slaves*, it's eaſie to impoſe any *Religion* upon them: So that if we can keep our ſelves *Freemen*, we need not fear the *loſs* of our *Religion*.

Now, they could not think of any way of *raiſing* the *Prerogative* to ſo high a pitch, unleſs by aluring ſome *Body of Proteſtants* to go on blindfold with them in their *deſign*; and to that end they pitch'd upon the *High Church Party*, believing if they were practiſed in their *Revenge* upon the *Diſſenters*, they would not much examine the conſequence of what might be deſired by the *Court*. And accordingly this Traffick betwixt the *King* and that *Party* was firſt tranſacted in *Parliament*, where, for every *Severe Law* againſt the *Diſſenters*, the Church Party gave the King either a Limb of our *Liberties*, or a good *Additional Revenue*, or a conſiderable *Tax*. And thus they drove a ſubtile Trade till the Deſign grew a little more *bare-fac'd*, or ſome of that Party proved more *honeſt* than was expected, whereby it became impracticable to carry on the matter further in *Parliament*. And ſo at *Oxford* the King took his laſt *Farewel* of *Parliaments*.

Having thus ſhak'd hands with *Parliaments*, he then tryed what he could do by *Rewards* and *Terrors*, turning out of all *Commiſſions* and *Employments* ſuch as would not comply, and *filling up* their

their rooms with Men of a *contrary Complexion*, thereby gratifying the *Ambition* of some and the *Avarice* of others, by reason of which there sprang up a sort of Men that were distinguished by the Name of *Tories*, whose Principle it was to serve the King without *asking a Question*; which is as much as to say, *They were oblig'd to do every thing they were commanded.*

These were the Men that brought on *Addresses*, *Loyal Tory Clubs*, and *Presentments*, and were the chief *Promoters* and *Instruments* in taking away *Charters*, which struck at the very *Heart* of the *Government.*

And I cannot but with amazement remember, how by their *Addresses* they courted the King to make them *Slaves*; and when they had a *New Charter* upon the surrender of the *Old one*, with what demonstrations of Joy did they receive it, as if it had been their Glory to put on *Chains*, and at the same time reproaching every man as *disaffected* to the *Government*, who would not consent to give up the *Rights* of other *People*, or sacrifice the Government.

The surrender of *Charters* was quickly followed by *Sham-plots* against the *Protestants*; and to have the better effect of them, *new Constructions of Law* were invented, whereby many worthy *Patriots* fell.

Whilst these things were transacted, the *Penal Laws* were violently put in execution against the *Dissenters*, but the *Papists* went *scot-free*; nay, even those very *Laws* that were made against them were turn'd upon the *Dissenters*, and whenever there was any *seeming Prosecution* of the *Papists*, it was only to have a *fresh Pretence* to fall upon the

Dis-

Diſſenters, for the *Papiſts* were by particular Order *ſlipt over*. Thus the puſhing at *Diſſenters* became the Characteriſtick or Make of a *true Son* of the *Church of England*; for if a Man were violently bent againſt them, he was a good *Son of the Church*, though his *Immorality* and *Debauchery* had made him a *Reproach* to any *Church*.

After all this, the *Clergy* brought up the Rear, with their *Doctrine* of the *Divinity of Kings* and *Non-reſiſtance*, thereby to give a *Sanction* to all the reſt, which reduced the matter into a very narrow compaſs, inferring from thence, that the *King has as natural a Right to our Allegiance, as we have to the Obedience of our Children, and that under the pain of Damnation* he was not to be diſobey'd.

It's ſtrange, that *Doctrines*, the one ſo deſtructive to the *Right* of *Kings*, and the other ſo *inconſiſtent* with the *Nature* of *Government*, ſhould obtain ſo much, had not the *Higher Powers* ſupported its Credit; for that Patriarchal or real Right dethrones all the Kings on the Earth but one, and leaves the World at a loſs in the rightful Heir of *Adam*; for there can be but one at the ſame time that can claim as Heir to *Adam*, and conſequently all the reſt of the *Kings* are *Uſurpers*: And here they are in a Wood themſelves, for they can no more tell you who is not the right Heir to *Adam*, than they know who is. Now, ſhould any one tell me, that my Eſtate was more conſiderable than I apprehended it to be, becauſe I might turn out all my Tenants that held by Lives or Years, but withal it was Five hundred to one that ſome body elſe had a better Right to it than I have; perhaps I might thank him for his Information, but at the ſame time wiſh my Eſtate were

leſs

less, and my Title to it better: Even as little are Kings beholden to them who perswade them to quit the Title that the *Government* gives them to the *Crown*, to seek for a better, as claiming under *Adam*, whereby they may be more at liberty to act by their will; for if he thinks his best *Title* is by *Descent*, then it's possible that one of his *Subjects* may have a better Right to the *Crown* than himself. As it fell out with *William the Conqueror*, when *Edgar Ethling*, who had a clearer Title by descent, swore Allegiance to him.

As to the Doctrine of *Passive Obedience* and *Non-resistance*, there is nothing is so neat an Emblem of it as an *Ass*, and nothing sounds nearer to *Nonsence*; for if in any thing I have a *Right*, to deprive me of it either by *Force* or *Fraud*, must be confess'd to be a *Wrong*, and *Wrong* implies a *Right* to defend; and therefore the Law calls every man's *House* his *Castle*, and his Goods his *own*: Nay, even *bare Possession* is a good *Title*; but if I may not *defend* these, I have no Right to them, and if not in them, I have as little in my *Person* or *Life*. But I am perswaded, that they who set this *Doctrine* on foot, at least the greater number of them, who have been instrumental in propagating of it, either did not understand it, or else helped it forward in hopes of being *well rewarded for their Pains*; for it is found by Experience, that they understood the Practice of it very ill, for when the *Bishops* were clapp'd up in the *Tower*, none cried out so much against King *James*, and arraign'd his *Proceedings*, so much as they that had been the greatest *Asserters* of this *Doctrine*.

But

But to make this a little plainer, I would only ask them this Queſtion, that is, *What is the meaſure of our Allegiance or Obedience*: for it is either the *King's Will*, or the *Law*; and the firſt point of *Obedience* is, to know the *Will* of the *Law-giver*; and therefore if they ſay it is the *King's Will*, I do preſume to anſwer, That cannot be the *Meaſure* of our *Obedience*, becauſe of the uncertainty of it: and, *2ly*, Becauſe he may command *contrary things*, which Rational Creatures cannot be bound to in point of their *Obedience*. If then they ſay it is the Law, then it will follow, that the *Power* of the King is *limited*, and when he exceeds the *Limits*, he aſſumes a *Power* which neither *God*, *Nature*, nor the *Government* inveſted him with; and therefore of right he may in ſuch Caſes be *reſiſted*.

The Point is very ſhort, either the King is *limited* in his *Power*, or he is not, for there is no middle ſtate betwixt *Slavery* and *Freedom*: If the King is not limited, then are we as much under the *Subjection* of his *Paſſions* as his *Reaſon*; but if he is *limited*, then it is the *Law* that ſets him his Bounds, and the exerciſe of any *Power*, beyond what it allows him, is *unlawful*. Neither can it be ſuppos'd, that *God* would ſubject the World to the *Will* and *Paſſions* of particular Men, becauſe it is inconſiſtent with his *Mercy* and *Juſtice*. The *Will* of a King is a wild uncertain thing, and a very falſe Guide to follow in *governing* his *People*; but to make the *Law* the Meaſure of all his *Actions*, and the *Welfare* of his *People* the end of all his *Publick Deſigns*, is that alone which will make a *King* of *England ſafe*, *eaſie*, and *powerful*.

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There is one thing more that I would explain to you, and that is the difference betwixt the *Government* and the *Adminiſtration* of the *Government*; for I am perſwaded that ſeveral People have been *inſnared* with the *notion*, that they were one and the ſame thing. I believe I need not tell you, that a *Truſt* and the *execution of it* are diſtinct things; and I may tell you, that the difference is no leſs betwixt the *Government* and the *Adminiſtration* of it; for if any thing be done that is not directed by that *Truſt*, it is the *Act* of thoſe that did it, and not of the *Truſt*. In like manner whatever is done that is not directed by the *Law*, it cannot be charged as a *Fault* upon the *Government*. But in the two late Reigns every thing that was done, though never ſo unjuſt, unreaſonable, or without Preſident, was called the *Government*. Whereas the *Government* or *Law* (they are the ſame) is a known certain thing, not commanding one thing to day, and the contrary to morrow; it requires that *equal right* be done without reſpect to Perſons, and regards the *Publick Good* above any thing, and has ſo attemper'd *Mercy* and *Juſtice*, as to protect the *Innocent*, and puniſh the *Guilty*.

But I need not tell you how contrary to this was the *Methods* and *Practice* of the two late Reigns, to convince you, that all was *Force* and *Violence*, and not the Government.

Being thus encourag'd by the *Addreſſes* of the *Tories* and the *Doctrine* of the *Clergy*, King *Charles* went on at a good rate, eſpecially in the latter part of his Reign, and the Irregularities of thoſe times may well in a great meaſure be charg'd upon them; for, it's poſſible that it had never come into King *Charles*'s Thoughts. But very probable,

he had not adventur'd to carry matters so far, if he had not been so invited to it by them: And his Brother the Duke of *York* could not but smile in his Sleeve to see him so industrious in preparing his way to the *Throne*; for when King *Charles* died, he had carried the *matter* so far, that he could go no farther, unless he did downright declare himself a *Papist*; but whether he died a *natural death*, or had *foul play*, I will leave that to be determin'd by every man in his own Thoughts; only thus much I must observe, that manifest Symptomes of *Poyson* appeared on his *Body*, and matters were then so *laid*, that it was necessary to have a *Popish Prince* on the *Throne*.

King's His Eyes being clos'd, the Duke presently shew'd how great an *Affection* he had for his *Brother*, not only in the great haste he made to *inter* him, but also by the rest of the *Treatment* he gave his *Body*; for if you had the *History* of it, you would say they gave him the *Burial of an Ass*.

And now his *Brother* being got into his place, he quickly pulled off the *Vizard*, for he had not the discretion to *dissemble the matter* for a short time, but out of the depth of his *Politicks* in a few days went publickly to *Mass*, *Fools* being always more *positive* than men of *better sence*, and *Cowards* most insolent when they have the *upper hand*; for he thought he had the *Nation* in a *String*.

But though this was very plain above board, yet the *Clergy* and *Tories* so little regarded it, that with great *Zeal* they addreſs'd to congratulate his *accession to the Throne*, as if *God in mercy had taken away his Brother to make room for him*.

He

He had no sooner thus publickly made profession of the *Romish Faith*, but *Mass* was said openly in other places, and in a little time *Popish Chappels* were erected in several parts of the *Kingdom*. To this he added a great *Army*, which lived in a manner upon *Free Quarter*; committing all manner of other *Insolencies*, and no *Redress* could be had upon any *Complaints*.

But all this did not abate the *Loyalty* of the *Tories* and *Clergy*, till after the defeat of the Duke of *Monmouth* in the *West*, upon which he not only put in *Popish Officers*, but told the *Parliament* to their Face, that he had so done, and was resolv'd to *persevere*: and he was as good as his word, for he made *Popish Officers Justices of the Peace*, and *Judges*, upon which *Loyalty* began to decline, for they fell away from him every day more than other. But he stopp'd not here, for that he might disoblige the *Tories* and *Clergy*, as well as he had the rest of the *Nation*, the *Papists* excepted: he set up the *High Commission*, and then the *Declaration of Indulgence*, and for refusing to comply with it, he clapp'd up seven of the *Bishops* in the *Tower*.

I am far from detracting from the Praise that is due to that *Action* of the Bishops, yet give me leave to say, the *Merit* of it is not so great as many have cry'd it up to be, for they refused to read the *Declaration* more out of *Self-Interest* than out of regard to the *Publick*, otherwise why did they not *refuse* to read the *Declaration* of *Charles* II. upon his *dissolving* the *Oxford Parliament*, which struck more directly at the *Heart* of the *Government* than King *James* did, yet not one Bishop *refused it*, and accounted every one disaffected to the *Government* that did *dislike* it. And that which further prevails with me to be of this Opinion, is,

because some of these *Bishops*, at this time, refuse to take the *Oaths*.

It would be endless to run through all the Particulars of King *James's Exorbitant Reign*, but in short, he had turn'd the *Government* on its *Head*, and was resolv'd to set up *Popery*, instead of *God's true Worship*, and his *Absolute Will and Pleasure* in the room of the *Law*, and had fully accomplish'd his purpose, if *God* had not sent us a *Deliverer*, by whose assistance we thrust him from the *Throne*. For having broke his *Coronation-Oath*, and the Condition upon which he receiv'd the *Crown*, he thereby lost all the Right of *swaying this Sceptre*. And by a just and real *Authority*, with which the People of *England* are invested upon such occasions, this the *Nation*, by a full and free *Consent*, placed King *William* on the *Throne*, who, I trust, will be the *Repairer* of our *Breaches*.

How then ought we to *rejoice*? what cause have we to be thankful for such a *stupendious Change*, when we had nothing but a fearful looking for of *utter Ruine*? we now enjoy the *Protestant Religion* instead of *Idolatry*, and a *just and equal Government* instead of *Slavery*; and all this brought about without the expence of Blood.

So that I stand amaz'd when I hear of any that are for recalling the late King *James*; if there be any such, I hope I shall not be accounted *severe* if I wish they were with him, for I think it would be best and safest for *them* and *every body else*.

Can any Man be so senceless as to desire to set *that man* over them again, who had once destroy'd their *Religion* and *Liberties*, and had justly *forfeited* his *Crown* by *Male Administration*; for when the

King

King denies his *Protection*, the *People are discharged* of their *Obedience* to him, because the *Obligation* of *Protection* and *Subjection* is reciprocal. Nay, I may presume to say, that the *People* have a *greater Right* to be well govern'd, than any King can have to his *Crown*; for their Right of being *well govern'd* was first in *Nature*, and secondly, it is *necessary* to the *being* of *Mankind*; but so is it not that this or the other man be on the *Throne*, nor even the *form* of the *Government* it self, for that sort of *Government* is most necessary that is best for the *Common Good*.

We now sit safely under our *Vines* and *Fig-trees*, and every man may *Worship God* without being *hawled* to a *Goal*, the *Bone* is taken away that the *Papists* used to *throw* amongst *Protestants* to set them together by the *Ears*. And truly, it was always my *Opinion*, that it would never go well with *England* till every man might *worship* God in his own way. And this being thus *happily accomplish'd*, I do beg your permission to offer my *Advice*, which is this.

That all *Protestants* would now *unite* against the *Common Enemy*, and forbear all *Distinctions* and *Revilings*, though we may *differ* in some things, yet let us neither *reproach* him that goes to his *Parish Church*, nor be *scandaliz'd* at him that goes to a *Barn*: let no man be offended at a *Liturgy*, or *set Form of Prayer*, nor think *extempore Prayer* is unacceptable to God; every *Tub* must stand on its own *bottom*, therefore let every man be more careful to *mind* and *mend* his *own Failings*, than to observe the *Faults* of others: let every man live up to the *Doctrine* he professes, and sincerely act according to his *Principles*, and prefer the *publick*

before any *private Interest*, and then it will go well with them *here* and *hereafter*.

Thus have I given you my *scatter'd Thoughts*, which I have endeavour'd to put together as well as I could with the *short leisure* I have had.

As to the particular *Business* of this day, it would be needless to offer you any *Directions*, your *Oath* has sufficiently instructed you, and I suppose most, if not all of you, understand your *Duty* as well as I can *inform* you; therefore I will only say, that whatever is an *Offence* against the *Law* is *presentable* by you.

Your Country has reposed a great and honourable Trust in you, and I don't doubt your *good and faithful discharge* of it; only this I desire to recommend to you, That you will not find any *Indictment* or *Presentment* upon Suspicious or slight Evidence; for it is *unjust*, *unreasonable*, and may be of *fatal consequence* to *our selves* or our *Posterity*. A Man's Reputation is a precious thing, and no man ought to be troubled unnecessarily: And I do rather give you this *Caution*, because it was the Practice of the *Late Times*, and I hope we shall rather *reform* their *Practices* than follow them, and come nearer to the Golden Rule, of *doing as we would be done by*. But in saying this I don't design to lead you out of the way of *Justice*, that any who have *offended the Law* should escape *Punishment*. Let the Guilty receive the *Reward* of their *Doings*, and the *Innocent* suffer no *Wrong*, and then shall we be a happy People.

So I will trouble you no further, but to pray God to direct you in your *Business*.

SOME

SOME ARGUMENTS

To prove, That

There is no Presbyterian, *but a* Popiſh *PLOT*;

AND

Againſt the Villany of *Informing* in 1681.

I Will trouble you but with a *few words* before I proceed to the *Particulars* of your *Charge*, and I hope no body of the *Proteſtant* Perſwaſion will be offended at what I have to ſay.

I have heard it poſitively affirm'd, That 80, & 81. is become 40, & 41. That the ſame Game is now *playing* that was then.

If by this is meant, That our *old and reſtleſs Enemies* the Papiſts are now at *work*; that it is *they* who at this time are labouring our *Deſtruction*; and that they are the *Danger* that threatens us, I fully agree with every man who is of that *Opinion*; but if by this Aſſertion any would inſinuate that there is a Plot againſt the *King* and *Government*, carried on by all or any of the *Diſſenters*, beſides that Plot of the *Papiſts*, I cannot ſubſcribe to it, becauſe where *God Almighty* permits me to uſe my *Reaſon*, I cannot believe, but upon clear evidence, and I have not met with any thing that can warrant ſuch an *Opinion*; and therefore in things of this or the like nature we ought to explain our ſelves very clearly, leſt by leaving the *matter* under a *doubtful conſtruction*, we may (againſt our intention) caſt an *Imputation* upon them who do not deſerve it.

I am apt to believe, that he who is moſt ſtrongly poſſeſt with the *Opinion*, That the *Diſſenters* have formed a Plot againſt the King and Government, will not adventure to juſtifie it before His Majeſty and a Parliament, and certainly that Opinion which will not abide the Teſt of the King and Parliament, is not much to be valued: But he who believes that there is a *Popiſh Plot*, for the taking away of His Majeſty's Life, (which God long preſerve) and the altering of *Religion* and *Government*, may avow his *Opinion* to all the World, becauſe he has an undeniable Authority for it, for His Majeſty in Parliament, and both Houſes, have declared no leſs: but we do not find that *His Majeſty*, or either Houſe of *Parliament* has made any Declaration, that they have ſo much as in ſuſpicion any other ſort of People

who

who are designing against his *Life* and the *Government.*

I think it is agreed by all, that this *Government* is the best in the World, for it gives the King a *Prerogative*, whereby he may appear great both at *home* and *abroad*; and it gives the *Subject* such a *Right* and *Property* in his *Person* and *Goods*, that he cannot be deprived of either, without his Consent, unless for the breach of some *known Law*: and besides, *Prerogative* and *Property* help and support each other; that is, when they are rightly understood and applied; for the Interest of *King and People* are as inseparable as the *Sun* and *Light*, but when *Prerogative* and *Property* stand at a distance, it is occasioned either by overgrown Favourites, who by their *Counsels* and *Actions* have render'd themselves obnoxious to the *publick*, and therefore so shroud themselves from Justice, advise the *King* to insist upon something as his Prerogative, which tends rather to hurt than preserve his just Prerogative; or else from some ambitious *restless Spirits*, who burr into the People, that this or that is their *Property*, which in the end will make their *Just Rights* to be *Felo de se.* And, what cares the one or other of these *Makebates*, for they are for the most part men of *desperate Fortunes*, who having little or nothing to *lose*, cannot doubt to reap advantage by the publick disturbance?

But to avoid the Evil on either Hand, I think it would be a very good Rule to consider how far what is insisted on does quadrate with the *Common Good*, and if they find that it does not agree to that Rule, then to let it go as a thing that is against their *true Interest.*

It

It is agreed on all ſides, that there is a *Plot* for to *Murther His Majeſty*, and to alter the *Religion* and *Government*, but whence our *danger* does ariſe, who is the *Common Enemy*, and againſt whom we are to *unite*, is that which makes the Diſpute and Diviſions amongſt us.

I take it to be an undeniable Truth, That every *State* or *Kingdom* muſt expect to receive the moſt frequent and greateſt Affronts and Injuries from ſuch of their *Neighbours*, whoſe *Support* and *Intereſt* does leaſt depend upon them: And every Government muſt, in reaſon, expect its Diſturbances and Diſquiets from ſuch *Subjects*, whoſe *Intereſt* does leaſt depend upon the preſervation of the Government: And though I will not haſtily judge *any Man*, yet when there is a Plot *againſt* the *Religion* and *Government*, they are with moſt reaſon to be under the *ſuſpicion* of it, who are of a contrary *Religion*, and acknowledge a *foreign Juriſdiction*, until there is very good Proof to charge it upon ſome other People.

I am verily perſwaded, that there are ſeveral Papiſts in *England*, whoſe *Quietneſs of Temper* may make them very averſe to give the Nation any *diſturbance*, and I heartily wiſh they were all ſuch. But when I conſider the greater number of them, and the *Slavery* they are under to their *Prieſts*, I muſt be under an apprehenſion that they cannot intend us any *good*, becauſe their *Religion* is oppoſite to ours, and they look upon themſelves as under another Juriſdiction: but I know that not many years ſince Popery was a thing of a remote conſideration, and that they who declared their Fears of it were (by thoſe who called themſelves the *King's Friends*) accounted *Enemies to the King*, *and*

and ill-affected to the Government: Yet since the discovery of the Plot has proved their *Fears* were not groundless, I suppose it is no difficult point to determine who are to be blamed, they who were afraid of Popery, or they who reprehended them so severely for their *Fears*: for the Proof of the present *Conspiracy* of the Papists is so *clear* and *evident*, that there remains no room for a Doubt, *whether there be such a* Plot, *or no.* And, who is not confirmed in this *Opinion*, since His Majesty and both Houses of Parliament have declared,

That *there has been, and still is, a damnable and hellish Conspiracy, contrived and carried on by the* Popish *Recusants, for the assassinating and murthering the King, for subverting the Government, and destroying the* Protestant Religion *now by Law establish'd?*

Now, can any Man be so hardy, as to think, that *His Majesty* would lay so severe an Imputation upon a great part of his *Subjects*, (for, God knows, they are too many who are of that Perswasion) or that the Parliament would pass so great a *Censure* upon such a number of their *Fellow-Subjects*, without plain and evident *Testimony*, and such as must convince *every man* but he who will not believe, for by this Declaration they have avowed their *Opinion* to the whole *World.* And there is one thing which further confirms me in the belief of a Popish Plot, because in some of the *Evidence* it is declared, That *the* Papists *never had such hopes of restoring their Religion since Q.* Maries *days, as at this time*; for it seems they had prepared every thing to their *Hearts desire*, if His Majesty were but *out of the way*; and how near they have been to effect it, is horrible to remember; and

and it's a wonder they have not done it, since they have not stuck at any thing whereby they might *attain* it: And if we also consider how many *fair* Opportunities they have had, we may conclude, that *God Almighty* has wonderfully *preserved him*, and may he always have him in his *keeping*.

But notwithstanding all this, some do take upon them to say, That *there is no* Popish, *but a* Presbyterian Plot; I doubt there are too many who account it *Loyalty* to oppose every thing that the late Parliaments have done, and though there be never so much *Reason* in the thing, yet if the Parliament had a hand in it, it is a sufficient ground to them to *traduce* it. But though they are resolved to think *amiss* of what the Parliament has done, yet in the point of the Popish Plot they may allow the Parliament to be in the right, since *His Majesty* is of the same opinion, for he that shall oppose his *Judgment* against the Opinion of King and Parliament, must needs tax them with a great deal of *rashness* and *haste* in their Declaration, or else profess himself to be a Man of a very extraordinary *Understanding* and *Observation*, that can see further into the matter than the King and Parliament. If there be any man that is acquainted with this *Mystery* that is hid from the Eyes of King and Parliament, it is, no doubt, a Duty incumbent upon him to reveal the *Secret* to his *King* and *Country*, that they may no longer continue to harbour an *ill Opinion* of them who are not blame worthy.

He that can believe that there is no *Popish* but a *Presbyterian* Plot, must also believe, that both the *Papists* and *Presbyterians* have now changed their former *Principles* and *Practices*.

The

The Principles of the *Papiſts* are incomparably laid open by the Biſhop of *Lincoln*, by which every man may ſee how *dangerous* and *deſtructive* they are to all *Civil Governments*. And the Church of *Rome* holds it to be *lawful* to promote their *Intereſt* by any way or means, though never ſo contrary to the *Word of God* and *Common Morality* or *Honeſty*. Accordingly it has been their Practice, which produced the *Pariſian Maſſacre*, where ſo many *Proteſtants* were *barbarouſly murdered* in one night. And in K. *James*'s time the *Powder Treaſon*, when the *King* and *both Houſes of Parliament* were to have been *blown up*, and the reſt of the Proteſtants were to have taſted of the ſame *Cup*. And in the late King's time, the *Maſſacre* in *Ireland*, where of Two hundred Thouſand *Proteſtants* that fell into their Hands, not one eſcaped, and all thoſe *periſh'd* in one *Month*. And the ſame *meaſure* we muſt have had, if their *Plot* had not been diſcover'd, by which they had deſigned to turn the whole Land into a *Butchers Shambles*. I don't mention theſe Particulars as all the Inſtances of their *barbarous practices*, I only give you theſe as *Examples* of what they do elſewhere, for in all places where they have endeavour'd to *eſtabliſh* or *propagate* the *Romiſh Doctrine* and *Superſtition*, it has been carried on by *Blood* and *Cruelty*, which proves it to be a *falſe Religion*, for this is contrary to the Precept and Example of our *Saviour* and his *Apoſtles*; who had recourſe to no ſuch things when they *propagated* the *Chriſtian Faith*, but to ſtrong *Reaſon* and evident *Truths*; for, it is not the way to convince Men of the Truth by Hardſhips and Severities, for by ſuch Methods we can only hope to make Hypocrites, but not to gain Proſelites:

and

and besides, it is an undervaluing of the *Almighty Power of God*, as if he stood in need of such assistances to establish his *Truth*.

But the *Presbyterians* are not of such *Principles*, they are willing to assist the *Government* against the *Papists*, for they have no other *Interest*, and therefore I cannot believe them to be like the *foolish Woman*, that pulls down her House with her Hands: And if we should believe, that their *Principles* enclined them to practise against the *King* and *Government*, I doubt it would cast a Reflection upon that which we would be loth to hear *ill spoken of*; for as they differ from us *only* in some *Indifferent Ceremonies*, but agree with us in *Doctrines* and *Fundamentals*, therefore their *Interest* is the same, and accordingly will their *Inclinations* carry them. Their *Practice* proves them to be true to their *King*, and firm to the *Government*, for when the *Popish Subjects* have rebelled against their *King*, they have always stuck to their *Prince*, and that too in *Popish Countries*: Examples hereof there are very many, and the present *French King* on this score owes a great deal to them of the *Reformed Religion*; for when his *Popish Subjects* rebelled, and would have set up another in his *room*, they *stuck* to him, and *setled* him in the *Throne*. It was the *Presbyterians* who were chiefly instrumental in his *Majesty's Restauration*, whilst others, who called themselves *The Royal Party*, sate still to see the *Game* play'd, and when they saw which way the *Scales* would turn, were ready to applaud the *Victor*, let it fall to which side it would: And *His Majesty* was so sensible that the *Presbyterians* were chiefly instrumental in that *Work*, that he declared himself in favour of them in these words:

From

From Breda, April 14. 1660.

WE do declare a Liberty to tender Consciences, and that no Man shall be disquieted or called in question for Differences of Opinion in Matters of Religion, which do not disturb the Peace of the Kingdom; and that we shall be ready to consent to such an Act of Parliament, as upon mature deliberation shall be offered to us, for the full granting that Indulgence.

This is not so very long since, that it can in probability be imagined that they should now be so clean altered to the contrary, as to practise against the King and Government.

I don't wonder that there is a noise of a *Presbyterian* Plot, but it is some cause of admiration to me, that so many seem to believe it.

I can't tell what *Information* others may have met with, whereby they are prevailed upon to believe it, but all that I can understand, that has given ground for such a *Suspicion*, is, the *Accusations* against *Colledge* and my Lord *Shaftsbury*, which methinks is too *slender a proof* to charge so many Thousands with a *Conspiracy* against the King and Government: for in the Tryals both of *Colledge* and my Lord *Shaftsbury*, it was not so much as attempted to prove a Plot *in general*; though at *Colledge's Tryal* it was urged, That that Method would be the *more regular proceeding*; but in both the *Tryals* the Evidence was levell'd against them chiefly, without fetching in such numbers as are necessary to make it a Plot of the *Presbyterians*. I shall not say any thing, whether the Evidence against *both* or *either* swore true, or not, nor of the Im-

Improbabilities of ſome of them, but this, I think, I may ſay, That the things chiefly inſiſted on againſt either of them, were only *Indiſcretions* committed by them: ſurely then it will be very *ſevere*, to charge ſo great a part of the *Nation* with a Plot, becauſe my Lord *Shaftsbury* and *Colledge* had *overſhot themſelves*, if all were true that was *ſworn* againſt them.

It is no new thing for the *Papiſts* to put *Sham-plots* upon others, and the *Papiſts* are never nearer to execute a Plot of their own, than when there is the moſt *noiſe* and *buſtle* about ſome other People, for nothing can give them ſo great *Security* and *Certainty* to execute any Plot or Deſign, as when they amuſe the Government with the *Fear* and *Danger* of *other People*; and accordingly have they acted all-along: The *Pariſian Maſſacre* was performed with the greater Certainty, by pretending that the *Hugonots* had *a deſign to ſeize the King*. In all the Attempts that were made upon Queen *Elizabeth*, if any of them had taken effect, it was to have been charged upon the *Puritans*, as they were called.

The *Gun-powder Plot*, if it had ſucceeded, the *Proteſtants* were to have born the *odium* of it.

And if their *preſent Conſpiracy* had not been prevented by an *opportune diſcovery*, it muſt have been caſt upon the *Diſſenters*, and thence the Papiſts would have taken occaſion to *murder Thouſands of Proteſtants*. And though they were *defeated* at that time, yet they quickly after *attempted* it again in Mrs. *Celier's Meal-tub Plot*; and though that had no better *ſucceſs* than the former, yet I hope it is no breach of Charity to conclude, that this noiſe of a *Presbyterian Plot* is a *Contrivance* of the *Papiſts*,

Papists, to cover their own *Bloody Design* till they have put it in execution.

It is a Plot of a large extent, and what the *Reformed* in *France* endure at present is an Effect of it; and the reason why they are not quite destroy'd, is, because the Work is not done here; but if they could ever carry their *Business here*, not only the Protestants in this *King's Dominions*, and those in *France*, but all the Protestants in *Christendome*, must undergo the utmost Cruelties that *Hell* and *Rome* can invent.

And since nothing will suffice but our *utter Destruction*, if they get the *upper hand*, it is high time to *unite* our selves, to oppose so dreadful an *Enemy*. And, for my part, I do believe that I should incur the Censure of a *Mad man*, if my House were beset by People who had resolved, if they could get in, to spoil my Goods, and cut the Throats of me and my *Family*, if some of my Servants had offended me, I should chuse rather at that time to correct them for their *Offence*, than to pass by their *Fault*, and encourage them to assist me against those who were *attempting* to break into my House. And, in my opinion, there is the same reason to be at this time a little tender (so far as by *Law* we can) towards those who differ from us only in *Circumstantials*, till the Common Enemy is subdued, and then we may with greater *Safety* and *Security* use proper ways to make them more conformable.

I must confess that I am not very inclinable to persecute People barely on the score of Religion, and I think *His Majesty* has declared himself to the same purpose; and till the discovery of the Plot, there was no man who found less fault with

the Papists than I did; but by it I am convinc'd, that no Peace is to be had with them who without any provocation (for they were tenderly us'd) should *frame* and be ready to *execute* so *black a Design*, as not to leave one Protestant alive.

Therefore if the danger to the *King*, our *Laws* and *Religion* does not arise from the *Papists*, I cannot imagine what else we need to fear, *but* every man may sit safely under his *Vine* and *Fig-tree*.

I am very sensible, that there are some who watch my *Words* and *Actions* very narrowly, and from this present *Discourse* will take occasion to call me *Fanatick* or *Presbyterian*, or if they could think of any term of greater *Reproach*, would not stick to lay it upon me: but such *Revilings* don't disturb me, for the Mischief they design to me by it will fall upon their own *Pates*, for their *Accusations* are *false*; they cannot charge me with the *wilful breach* of any *Law*, or in what Particular I don't *conform* to the *Church*; I am sure they cannot convict me of any enormous Crime; if any day be appointed by the *Government*, whether for *Fasting* or *Thanksgiving*, they cannot say that I failed in my *Duty*; they cannot say, that upon the 30th of *January*, or any other day of *Humiliation*, that at night, when I should have been in my Bed, or else in my Closet, to *lament* the Sins of the *Nation*, and to bewail my own *Offences*, that either at my own House, or any adjacent *Alehouse*, I sate drinking and tippling till three or four a clock in the morning, till I had made my self and the rest of the Company drunk.

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If any man be guilty of such things, he highly deserves the *Severest Punishment* that can be inflicted upon him, for this is such grand *Hypocrisie*, and so plain a bidding of *defiance to God*, that they are dangerous to any *Civil Society*: Such People as these, who fast only to prepare their Bodies for the *Nights debauch*, are the Informers upon *Penal Statutes*, who, to gain something to themselves, put their Neighbours to a treble charge; these make no *Conscience* of an *Oath*, and are inclinable rather to swear too much than too little; yes, neglect their manifest *Duty to God*, that they may be able to accuse their *Neighbours* of a smaller *Offence*. Men of such Principles and Practises as these, are they who beget an *ill understanding* betwixt the King and his People, by Informations and Suggestions, which if they were but made publick, they would be ashamed to own; by these they endeavour to create in His Majesty a dislike of others who are better than themselves in every respect; and hence it occasions, that our *domestick affairs* are pry'd into: I will not take upon me to say how *legal* these things are, or how far these Proceedings are *warranted by Law*, but I will leave it to every man to consider, whether he is not safer any where than at his own House; whether his Table may not become a *Snare* to him, and his own Servants shall be the means to cut his *Throat*.

But if Informers would acquaint themselves with the *Laws* concerning *Informations* and *Suggestions*, they would not be so hasty in accusing others, for the *Law* does not seem to favour them at all, but rather discourages such Proceedings, for it gives the Party injur'd very good Repara-

tion, and severely punishes the Informer, if his *Accusation* prove *false*: as you will find by these Statutes.

5 *Ed.* III. 9. It is enacted, *That no Man from henceforth shall be attached by any Accusation, nor fore-judged of Life or Limb, nor his Lands, Tenements, Goods, or Chattels seized into the King's Hands, against the form of the great Charter, and the Law of the Land.*

37 *Ed.* III. 18. *Though it be contained in the great Charter, That no Man be taken or imprisoned, not put out of his Freehold, without process of Law, nevertheless divers People make false Suggestions to the King himself, as well for Malice as otherwise, whereof the King is often grieved, and divers of the Realm put in damage, against the form of the same Charter: Wherefore it's ordained, That all they which make Suggestions shall be sent with the same Suggestions before the Chancellor, Treasurer, and his Grand Council, and that they there find Surety to prove their Suggestions, and incur the same Pain that the other should have had if he were attainted, in case that his Suggestions be found evil: And that then process of the Law be made against them, without being taken and imprisoned, against the form of the said great Charter and other Statutes.*

38 *Ed.* III. 9. As to the Article made at the last Parliament, of those that make grievous Complaints to the King himself, it is assented, *That if he that maketh the Complaint cannot prove his Intent against the Defendant, by process limited in the same Article, he shall be commanded to Prison, there to abide*

abide till he hath made good to the Party of his Damages, and of the Slander that he hath ſuffered by ſuch occaſion, and after ſhall make Fine and Ranſome to the King. And the point contained in the ſame Article, That the Plaintiff ſhall incur the ſame pain which the other ſhould have if he were attainted, ſhall be out, in caſe that his Suggeſtion be found untrue.

42 *Ed.* III. 3. At the Requeſt of the Commons, by their Petitions put forth in this Parliament, to eſchew the Miſchiefs and Damage done to divers of his Commons by falſe Accuſers, which oftentimes have made their Accuſations more for Revenge and ſingular Benefit, than for the Profit of the King or his People; which accuſed Perſons ſome have been taken, and ſometimes cauſed to come before the King's Council by Writ, and otherwiſe upon grievous Pain againſt the Law: *It is aſſented and accorded, for the good governance of the Commons, that no man be put to anſwer without Preſentments before Juſtices, or Matter of Record, or by due Proceſs and Writ original, according to the old Law of the Land: And if any thing from henceforth be done to the contrary, it ſhall be void in the Law, and holden for Error.*

To the ſame purpoſe are the Statutes of 17 *Rich.* II. 6. 15 *Hen.* VI. 4. which you may peruſe at your leiſure; and becauſe I will not trouble you too long, I will ſay no more of them, but leave every man to make his own Obſervations upon the whole matter, and ſo I'll proceed to the Particulars of your *Charge*.

But Gentlemen, if we invite our Friends to *Dinner*, and the Gates and Doors are left open for all persons that please to come in and partake of what the *Cellar* and *Kitchin* will afford, and no *Violence* or *Rudeness* is offer'd to any person, this is not a *Riot* within the meaning of the *Law*; and if any such thing shall be offer'd to your *consideration*, I hope you will not take it to be your *Duty* to *present* it.

Gentlemen, one thing more I will mention, and then I will dismiss you: There is a new Opinion which obtains very much, which is this, *That a Grand Jury is oblig'd to find every Indictment, without considering the Credibility of Persons that swear to it, and the probability of what they swear.*

I must confess, I do not understand the reasonableness of this *Doctrine*, for by this Rule a man has more play for any thing else than his *Life*: First, As to his *Estate*, he has Relief three several ways, first, at *Common Law*; secondly, in *Chancery*; and thirdly, in *Parliament*. As to his Reputation, though he may be injured by a *false Verdict*, yet by an Arrest of *Judgment* he may have another Hearing, or else in process of time he may come to redeem his Credit some other way; but when an *Indictment* is preferred against a Man for his Life, and the Grand Jury are oblig'd to Find the *Bill*, if it be *Sworn* to, then that man has but one play for his *Life*, and if the Petty Jury give a false Verdict, there's an end of him, for there is no redemption from the Grave.

But

But beſides, if you are obliged of courſe to Find every *Bill*, if it be ſworn to, and may not conſider and deliberate upon the *Evidence* before you, not only a great many will be put to cauſeleſs Trouble and unneceſſary Charge, but it will be an *undervaluing* of your Service, and a *leſſening* of the Truſt that your Country repoſes in you. It is a new Doctrine, and therefore it is not convenient to be too forward to put it into practiſe, till time ſhall prove that it is agreeable to the *Fundamentals of the Government*.

And now, *Gentlemen*, I will detain you no longer, but do pray *GOD* to direct you in your *Buſineſs*.

Monarchy the Beſt Government,

AND THE

ENGLISH

Beyond all others.

WITH

SOME RULES

For the Choice of

Members to Serve in Parliament.

Gentlemen of the Grand Jury,

IT is very probable, that this is not the firſt time that all or many of you have been upon the *Grand Jury*, and therefore I have great reaſon to believe, that all or moſt of you are acquainted with what your *Country expects from you* this day; and for that cauſe I ſhall contract my Diſcourſe into as narrow a compaſs as the preſent occa-

occaſion will permit; but before I tell you the Particulars of your *Charge*, I think it may not be impertinent (conſidering the preſent juncture) to give you a ſhort account of the Government of *England*, as it ſtands at this day.

Gentlemen,

Peace and *Juſtice* is the End of every *Government* under the Sun, and this is then only to be hoped for when the King or Governour duly executes and adminiſters the *Laws* and *Juſtice*, and the *People* are diſpoſed to obey and be governed by them; therefore it does naturally follow, that in every Government there is a *Supreme Power* to which all are to ſubmit, whilſt that Power contains it ſelf within the *Laws*; for without this there can be no Order or Peace: if every man will be his own *Maſter* and *Judge* in his own *Caſe*, and not own a Superiour, our condition would quickly be worſe than that of the *Brute Beaſts*, for amongſt them there ſeems to be a kind of Government.

Now, that ſort of Government appears to be moſt proper and agreeable to *Mankind*, where the power and adminiſtration of the *Laws* and *Juſtice* is veſted or ſetled in one *ſingle perſon*. And this is fully cleared by the courſe of *Experience* ever ſince the World began, although ſome People are not ſo happy as to enjoy this *Bleſſing*.

But *Gentlemen*, that Government which is under a *ſingle perſon* (I mean a *King*) is more or leſs happy for the People, according as it depends more upon the *King's Will*, and ſo conſequently leſs upon the *Laws*; or elſe more upon the *Laws*, and

and leſs upon the *Pleaſure of the King*: And this is the difference betwixt us and our *neighbouring Nations*; our Government depends upon the *Laws*, but theirs chiefly, or for the moſt part, upon the *Will and Pleaſure of their Kings*: and though no Government under the Sun be perfect in every point, yet I think I may ſafely affirm, that ours is perfect, in compariſon of any other Government in the World; for if we conſider thoſe *Nations* that have Parliaments, that *Aſſembly* is of little or no uſe to the People, but to paſs into *Laws* the *Edicts* of their King.

But God be praiſed, our Parliament is of far greater *uſe* and *advantage* to us, for there it is that our Grievances are redreſſed; and *Laws*, that by proceſs of time are become *uſeleſs* or *burthenſome*, are repealed, and new and profitable *Laws* and *Statutes* are made: and, in a word, *Parliaments* to our Neighbours are their *Burden*, but our great *Happineſs*.

Secondly, All manner of *Taxes* and *Impoſitions* are laid upon the People, at the Will and Pleaſure of the *King*.

But we can have no *Tax* impoſed upon us, but by our Conſent in *Parliament*; and there is this peculiar to us from the reſt of the World, That no *Engliſh-man* can be taxed for his *Hand-labour*, whereas in other Countries, and eſpecially *France*, every man pays for what he gets by his Labour: In *France* every Labourer pays two parts of three to the King; as, if he get Six pence in a day, Four pence is paid immediately to the King's Officer.

Third-

Thirdly, In other Countries *War* and *Peace* is made by the King, without conſulting the People, and they are chargeable to that War, tho' made without their Conſent, or againſt their Intereſt.

So it is with us, our King has the ſole power of making War and Peace, but the Sinews of War is in the *People* (I mean Money) and that they cannot part with, but with our own *Conſent*. And although the Matter of *War* and *Peace* is an *Arcanum Imperii*, and that no man (as ſome ſay) may pry into it, ſave they to whom the King is pleaſed to communicate it: Yet I conceive, in this our Government, where the People are ſo eſſential a part of it, that they ought to be ſatisfied with the *Ground* and *Reaſon* of the War, before they make themſelves chargeable to it: and the People are not bound to ſupport every War that the King may engage in; for methinks it's all the reaſon in the World that a Man ſhould be ſatisfied with the *Cauſe* before he part with his *Money*, and I think that Man is very unworthy of the Honour to ſerve his Country in Parliament, who ſhall give away the Peoples Money for any other thing, but what ſhall be effectually for the *good* and *advantage* of the *People* and *Nation*.

Fourthly, The *Eſtates* and *Goods* are taken from the People without aſſigning a Reaſon of it, but only that it is the *Mind* of the *King* to have it ſo.

But here no Man can be deprived of his *Eſtate* or *Goods*, but by due courſe of *Law*, for *Poſſeſſion* is that the *Law* is very tender of. But although ſome ſay, That *the King's Commiſſion may not be*

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reſiſted in any caſe whatſoever, I ſhall not argue that point, becauſe this is not a proper time for it, and I hope we ſhall never have occaſion to try it; if it ever ſhould happen, I'll lay the Blame at the door of his Miniſters, for our King is a merciful Prince, and loves not ſuch things. Yet this, I am ſure, cannot be denied, That every Man's *Houſe* is his *Caſtle*, and may defend *himſelf* and his *Goods* againſt thoſe that ſhall *aſſault* or *moleſt* him; and I cannot believe that Man can be really a Friend either to his King or Country, but rather does it out of ſome ſiniſter end, or to curry Favour with the Court, that ſhall extol the King's Prerogative above the Laws, becauſe this Doctrine, if true, quite deſtroys the *Fundamentals* of our *Government*; for if ever you ſet the King above Laws, then it muſt neceſſarily follow, that the King derives his *Title* to the Crown of *England* not from the *Laws* of *England*, but from ſomething elſe: but I am ſure that man does the King no great Service, who puts the King to ſeek his Title to the Crown of *England* any where elſe, than from the Laws of *England*. To ſet the King above all *Law* but that of his own Will, does ſo directly tax the Juſtice of *God Almighty*, that I cannot believe him to be a good Chriſtian that is of that Opinion.

Fiftbly, In other Countries the *Subjects* are Impriſoned and Hanged at the *Command* of the King, without any other Reaſon given.

But none of us can be deprived of *Life*, *Limb*, or *Liberty*, but for ſome Offence firſt committed againſt ſome known *Law*.

Sixthly,

Sixthly, Our Neighbours are preſſed, and forced to ſerve in foreign Countries againſt their Wills, and are *hanged* for refuſing.

Our King may preſs any of us for the defence of the *Nation*, but I never heard that the King could preſs any *Engliſh-man* to ſerve beyond the Seas.

Seventhly, In other Countries, though the King or his Officers commit never ſo many or great *Outrages* and *Cruelties* upon the *People*, yet have the People no Remedy againſt either the King or his Officers.

But with us, though our *Law* ſays, That *the King can do no Wrong*, yet his *Officers* and *Miniſters* may; and if any Man ſhall do an *unlawful* thing, though by the King's Command, that man is accountable to the People for it, and it is the Right of every *Engliſh-man* to call him to account; for if neither the King nor his Officers are anſwerable for a breach of the Laws, then our *Laws* ſignifie nothing, and are but a *dead Letter*, and we no better than *Slaves*.

Theſe Particulars I have now mentioned, I ſuppoſe, may be ſufficient to convince any reaſonable man of the Excellency of our Government. I ſhall not proceed further into Particulars, or diſcourſe how and with what Caution all our *Laws* are made, and how *Juſtice* is adminiſtred in all Caſes, for I ſhould not only weary you, but want time to finiſh ſo great a Work; therefore I ſhall ſay this in part, That in no Government in the World the People live with ſuch *Liberty* and *Security*

rity of what we enjoy, when the *Laws* are duly observed and followed, as we do; no Prince more safe and happy than ours, when he holds to the *Laws*, and it is the mutual Interest of both King and People to maintain the *Laws*. It is the Interest of the People to support the King in his Legal Prerogative, and it is the Interest of the King to preserve the People in their due Rights and Liberties, for the *Happiness* of one is bound up in the *Welfare* of the other. There is a certain ballance betwixt the King's Prerogative and the Peoples Properties, and he that endeavours to turn the Scales to either side, does in effect endeavour the destruction of both, for the Interest of the King and People are so interwoven, that we cannot separate or distinguish one from the other. In a word, our Government is both the Envy and Admiration of our Neighbours.

But Gentlemen, notwithstanding our excellent frame of Government, yet I find that many are impatient under it, and thirst extreamly after that which is called a *Common-wealth*, thinking (no doubt) to enjoy greater Priviledges and Immunities than now they do: But I am apt to believe, that they who are not contented under this Government, have not consider'd aright what a *Common-wealth* is. A *Common-wealth* makes a sound and shadow of *Liberty* to the *People*, but in reality is but a *Monarchy* under another Name; for if *Monarchy* be *Tyranny* under a single person, a *Common-wealth* is *Tyranny* under *several persons*, as many Persons that govern, so many Tyrants; but let it be the best that can be, yet the People under any Common-wealth enjoy not that Liberty that we do.

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Gentlemen, as the Excellency of this Government is an Argument ſufficient to diſſwade any of us from the leaſt attempt of alteration, ſo Experience has taught us, that no ſort of Government but that we now live under will ſuit or agree with *England*. Let us but conſider the late Troubles, how many ſeveral kinds of Government were there ſet up one after another? All ways were tryed, but nothing would do, till we were returned to our old and ancient way.

But, Gentlemen, it may fall out, that we our ſelves may be the Authors of our own Deſtruction, for whatever the Parliament does, we are bound up by it; if they paſs a *Law* to give away all we have to the King, we muſt ſubmit to it, for it is our own Act: and therefore it highly behoves us to be very cautious who we chuſe to repreſent us in Parliament, we put all we have into their Hands, and what they do muſt bind and oblige us. Every Man is *mortal*, and poſſibly may be corrupted to *vote* againſt the *Intereſt* of them he repreſents; I accuſe none of your Repreſentatives, nor do I accuſe all, only tell you, that Men may be *corrupted*: Therefore, in my opinion, whenever you have occaſion to *chuſe* a *Member* for the Parliament (as now you have) you ought to have a care of an *ambitious* Man, or a Man that is *vain glorious*, for it was never known that any of that Temper were ſo, out of a real intention to the *Publick Good*, for Ambition or Vain-glory was never accounted to be the Make of an Honeſt Man; and if you'll give me leave, I'll tell you what ſort of a Man I ſhall give my Vote for: if I cannot have a Man that is both wiſe and honeſt, then I would rather be for an honeſt

honeſt than wiſe man; for I would rather truſt all I have with a man that is truly honeſt, and leſs knowing, than with a man that is more knowing and leſs honeſt. I ſhall always be for a man that has a good Eſtate in the Country; for though he may poſſibly forget us, yet he will remember himſelf, and avoid all unneceſſary charge upon the Country, becauſe he himſelf is to pay part of it. Next I am for a moderate man, one that is not ſtrict or rigid, neither one way nor the other, either in Church or State; for it's Moderation that muſt keep every thing in right order, and it's Severity and Rigidneſs that will bring things into confuſion. In ſhort, Gentlemen, let your own Judgment, and not another Man's Intereſt or Inclination, direct you in this caſe, for our Parliament is our Weal or Woe. And now I will proceed to the Particulars of your Charge.

The firſt and chief thing that you are to preſent, is,

High-Treaſon.

To Compaſs or Imagine the Death of the King, the Queen, of their Eldeſt Son.

Now, Gentlemen, you muſt obſerve, that the Heirs to the Crown are of two ſorts, firſt, *Heir Apparent*, that is the *King's Eldeſt Son* that is living, for no body elſe can be *Heir Apparent*; ſecondly, their *Expectant* or *Preſumptive*, that is, he who in courſe of *Deſcent* is next in *Blood* to the *King*, if he hath no *Son*. Now, the Offence is not ſo great to kill or procure the Death of the *Heir*

Expectant, as it is to compaſs or imagine the death of the *Heir Apparent*.

To levy War againſt the King in his Realm, or to adhere to the King's Enemies in his Realm, or to give them Aid or Comfort in the Realm or elſewhere.

To counterfeit the King's Great Seal, or Privy Seal, or his Money.

To bring falſe Money into England, *counterfeit the Money of* England, *and knowing the ſame to be falſe, with intent to make payment with the ſame.*

To kill or ſlay the Chancellor, Treaſurer, or the King's Juſtices of the one or the other Bench, Juſtices in Oyer, *or of* Aſſize, *and all other Juſtices aſſign'd to hear and determine, being in their Places doing their Offices.*

To counterfeit the King's Sign Manual, Privy Signet or Seal, by 1 Q. *Mary*, 6.

To diminiſh, ſcale, or lighten the current Money of England. 18 Eliz. 1.

So Clipping, Waſhing, Rounding, and Filing of Current Money; by 5 *Eliz.* 2. There are too many Offenders in this nature amongſt us.

The ſecond time to extol and maintain the Pope's Authority formerly uſurped here; and the ſecond time to refuſe to take the Oath of Supremacy; 5 Eliz. 1.

A Prieſt or Jeſuite that ſhall come and remain here, who ſhall be in any Seminary, and not return within ſix months after proclamation; 27 Eliz. 2.

To put in uſe any Bull or Inſtrument of Reconciliation or Abſolution from Rome, *or from any perſon authorized or claiming Authority from* Rome.

Any Perſon that ſhall willingly receive any Abſolution, and all Aids and Abettors, it's High-Treaſon in them, by 13 *Eliz.* 2.

To withdraw any of the King's Subjects from their Obedience or Religion.

And ſuch Perſons as ſhall be withdrawn from their Obedience to the King, or their Religion, 23 *Eliz.* 1.

And now, Gentlemen, give me leave to take notice to you of them who very largely diſcourſe that the *King* is above the *Laws*; I am very apt to believe, that they don't conſider very well what they ſay, nor don't know or remember, that as it is High-Treaſon to kill or hurt the King, ſo it is High-Treaſon to ſubvert the Government, or to endeavour any alteration of it; and then I would ask any man to ſolve me this Queſtion, *Whether or no it be not an alteration of the Government, to render all our Laws ineffectual and uſeleſs, which muſt neceſſarily follow; and where it is, or upon what they ground their Opinion.* I am ſure the Word of God warrants no ſuch thing; nor can any ſuch thing be found in the ancient Government of this Iſland, for at firſt it was govern'd without a King. I don't mention this as if I queſtion'd the King's Title to the Crown; no, Gentlemen, I would have every ſubject to pay him all poſſible Duty and Obedience, but I ſay this to ſhew you, that there is no Ground for that Opinion that the King is above the Laws. And I am ſure I never met with it either in *Magna Charta*, or any Law made ſince, and therefore I could wiſh they would forbear to preach up ſuch deſtructive Doctrine both to King and People. I am ſure it is, for he that invades the Peoples Rights, does no leſs to the King: no man can perſwade the King to do a thing more contrary to him and his Intereſt, than to invade the Peoples Rights, for if one be hurt the other is hurt alſo; and he that

will not do the King Right, cannot expect to have Right done to himſelf: No man can come to his Right but by doing the King Right, give each its due, but have a care how you give either ſide ſo much as an inch. And therefore I would that People would forbear to preach up ſuch deſtructive Doctrine both to King and People, and not put the King and Parliament to the Trouble to make a Law, whereby it ſhall be *Treaſon* in *Words* as well as *Actions*, to endeavour the leaſt alteration in the *Government*.

Petty-Treaſon.

For a Wife to kill her Husband, or a Servant his or her Maſter or Miſtris; 25 Eliz. 3. 2.

Præmunire.

It is properly a Writ, or Proceſs of Summons awarded againſt ſuch as brought in Bulls or Citations from the Court of Rome, *to obtain Eccleſiaſtical Benefices by way of Proviſion before they fell void.*

To contribute Money, or ſend Relief to any Jeſuite or ſeminary Prieſt beyond Sea, or any College, 27 Eliz. 2.

The firſt time to extol or maintain the Authority and Power of the Biſhop of Rome. Or,

The firſt time to refuſe the Oath of Supremacy, is a Præmunire: 5 *Eliz.* 1.

If any bring over any Agnus Dei, Croſſes, Pictures, *or Beads hollowed* (as they call it) *at* Rome, *to diſperſe among the People*; *or if any perſon receive ſuch*; 13 Eliz. 2. *The*

The Penalty in theſe and the like caſes, is, That the Perſon offending ſhall forfeit all his Lands, Tenements, Goods, and Chattels, Impriſonment, and be put out of the King's Protection: 16 Rich. 2. 5.

Gentlemen, you may obſerve, that many of the things I have mentioned are only done by the *Papiſts*, whoſe Religion has been the Author of all our *Troubles* and *Miſchiefs*: it was the *Papiſts* who took off the late King's Head, though they made uſe of other People to act their part, yet they were the *Contrivers* of all: it was they who fired *London* and *Southwark*; and it's they who at this time would have brought us into the greateſt Confuſion that ever had been heard of, by a Deſign which nothing but Hell could be the Contriver of, but God in his Mercy brought it to light juſt when it ſhould have been put in execution. It is with Horror when I conſider the Cruelty and Bloodſhed that muſt neceſſarily have enſued had this *Plot* gone on; it was no feigned thing the matter is as clear as any thing can be, nothing but the execution of it could make it more clear; and yet I hear, that there are thoſe who will take upon them to ſay *there is no Plot*, and argue it; how far they are guilty themſelves, I know not, but I muſt tell them, that they render themſelves very ſuſpicious, to argue againſt that which every body believes and is ſatisfied of; for my part, I muſt judge them either to be in the *Plot*, or very much inclined to *Popery*: Wiſely therefore has the Law provided for us, againſt that from which there is ſo much danger. If *Popery* be the *True Religion*, God Almighty is not God Almighty, for certainly that Religion is very defective whoſe Foundation muſt be layed in *Blood* and *Cruelty*;

and certainly God Almighty can propagate his Truth without having recourſe to ſuch unnatural means. I am ſure there is not to be found in Scripture the leaſt evidence or inſtance to warrant the *killing of Men* for their *Religion*; Men are to be convinced by *Reaſon* and *Scripture*, and not by *Force* and *Fire*. The *Papiſts* think it a hard thing to be required to take the *Oaths* of *Allegiance* and *Supremacy*, which Oaths don't deny them the private uſe of their *Religion*, only require from them a Security to be true to the Government, but don't conſider, that their Church requires, *that all muſt dye who will not change their Religion*: or if any of them have an Eſtate held wrongfully from them, or is robbed or abuſed, they expect to have the benefit of the *Law* and *Juſtice* of the Government; they expect that the Government ſhall defend them, and they will not be bound to maintain it: how reaſonable this is, let any man judge. But, Gentlemen, there's no reaſon the Government ſhould defend them that would deſtroy it; though the *Penalties* are great, yet you ought to avoid Tenderneſs, becauſe ſo much depends upon it as does; and beſides, where any of them comes under a *Præmunire*, the Perſons themſelves don't ſuffer ſo much as the *Common Stock*; for they have *Stocks* and *Banks* for thoſe uſes, and to *buy* Poor People to their Religion. *Popery* is not a Religion but an Intereſt, which endeavours our deſtruction, and therefore we ought to ſhew it no Favour. And this will ſuit very well with *Moderation*, for in all the *Laws* againſt the *Papiſts* the Penalties are very modeſt and moderate, in compariſon to what we have found at their hands, and there-

fore

fore to put the *Laws* ſtrongly in execution againſt them, cannot be called Severity.

Miſpriſion of Treaſon.

To know any to be guilty of High Treaſon, and not to diſcloſe it.

If a Bull or Inſtrument of Abſolution or Reconciliation be offered to uſe, or put in uſe, if they do not make it known within ſix weeks, to ſome of the Privy Council. 13 Eliz. 2.

In them that ſhall be aiding, maintaining, or concealing of ſuch perſons as ſhall withdraw any from their Obedience or Religion, and not make it known to ſome Juſtice of Peace within twenty days. 23 Eliz. 1.

The next thing that I am to give you in *charge*, is *Felony*, which is of two ſorts, againſt the *Perſon*, and againſt the *Poſſeſſion* of another.

Felonies againſt the Perſon *of another.*

If any commit Homicide, that is, kill or ſlay another, which if out of precedent Malice, either expreſſed or implied, is Murther.

If upon a ſudden Falling-out, Manſlaughter.

If in doing a lawful action, is called Chance-medley.

If in his own defence, it's ſtiled Homicide ſe defendendo.

Poyſoning, Stabbing, and Bewitching to Death, are Homicides.

If any commit a Rape, have the carnal knowledge of a Woman againſt her will, or with her will, if ſhe be under Ten years old.

If any take away, or conſent, or aſſiſt to take away any Maid, Widow, or Wife againſt her will, ſhe being then intereſted in Lands or Goods.

If any marry a ſecond Husband or Wife, the firſt being alive.

If any commit Buggery or Sodomy.

If any do willingly and maliciouſly cut out the Tongue, or put out the Eye of another. And by a Statute made the 22d, and 23d year of K. Ch. it is Felony, that by lying in wait, purpoſely or upon Malice forethought, to maim or diſfigure another.

If any receive, relieve, or maintain any Jeſuite or Seminary Prieſt, knowing him to be ſuch. 27 Eliz. 2.

If any incorrigible Rogue, judged dangerous and baniſhed, return again.

If any dangerous Rogue, branded in the Shoulder, return again to a roguiſh life.

Felonies againſt the Poſſeſſion *of another.*

If any break a Dwelling houſe in the Night, with intent to do any Felonious Act there.

If any rob another by the Highway, or take any thing privately from his Perſon.

If any take the Goods of another in his abſence, with intent to ſteal them.

If any Servant go away with his Maſter's Goods (delivered to him) with intent to ſteal them, being the value of 40 *l. or upwards.*

If

If any rob a Church.

If any maliciouſly burn the Houſe, or Stack of Corn, or Barn of Corn of another.

If any do the ſecond time forge any Deed, Evidence, or Writing, and publiſh it to be a good Deed.

If any acknowledge a Fine, or Judgment, or Deed to be enrolled in the Name of another, and not being the true perſon.

If any Perſons, above twelve in number, raiſe any Tumults or Unlawful Aſſemblies.

If above forty Perſons ſhall aſſemble together, to do any unlawful act, and ſhall continue together three hours after proclamation for their departure.

If any depart out of this Nation to ſerve a foreign Prince, without Leave, and before Bond entered, and Oath taken according to the Statute.

If any perſwade another to commit any Felony, or receive and aſſiſt any Felon after the Felony committed, theſe are Acceſſaries to the Felony.

If any reſcue a Felon from Priſon.

If any Felon break Priſon, and eſcape, or be ſuffered to eſcape and be reſcued.

In both ſorts of Felonies ſome have the Benefit of Clergy, others not; and becauſe it's their Duty only to preſent them, therefore I have not troubled you with their diſtinctions, but have given you them in part.

Miſpriſion of Felony.

If any one know another to have committed Felony, and don't reveal it.

The

The next thing I am to acquaint you with, is,

Treſpaſſes and Offences againſt the Peace which are Finable.

If any menace, aſſault, beat, or wound another.

If any make unlawful entry upon another Man's Lands, or unlawfully take away other Mens Goods.

If any make unlawful Aſſemblies, Routs and Riots.

You are to preſent all Seditious Conventicles, according to 16 Charles 2. *where there ſhall be five perſons, over and above them of the Family, who ſhall meet together under colour or pretence of any Exerciſe of Religion, in any other manner than is allowed by the Liturgy of the Church of* England.

Now, Gentlemen, although this Law does ſeem to comprehend all *Diſſenters*, yet certainly not all alike, for it would be unreaſonable that they who only differ in ſome things from the Church of *England* ſhould be as rigorouſly intended by this Law, as thoſe whoſe Worſhip and Principles are quite contrary to it: and, I think, the very Title of the Statute is an Argument for me, which is thus; *Seditious Conventicles ſuppreſſed.* If it had been only *Conventicles ſuppreſſed*, then I ſhould have been of another opinion. And therefore, Gentlemen, my opinion is, that this Law is rather intended againſt the *Papiſts*, *Quakers*, and others of that ſort, than againſt them who come nearer in their manner of Worſhip to the Church of *England*. And without queſtion, at this time, it is not prudent to be very ſtrict againſt them who differ from the Church of *England* only in ſome

Cere-

Ceremonies, in regard the Common Enemy to our Religion and Liberty is now very active; I mean *Popery*; and therefore it is very great *Policy* to unite our ſelves, that we may be the more able to reſiſt *Popery*. I am ſure, that this is not a time to haraſs or pull one another in *pieces* for ſome ſmall Points in Religion; I am ſure it is that which the *Pope* and *Church of Rome* will eſteem as a very great and meritorious piece of Service.

He that ſhall ſay or ſing Maſs forfeits 200 *Marks, and Impriſonment a year, and after that till the Money be paid.*

To hear Maſs, forfeits 100 *Marks, and Impriſonment a year.*

He forfeits 20 l. per month, *who does not come to Church; and if he forbear a year, to be bound in* 200 l. *to the good a bearing, till he conforme.* 23 Eliz. 1.

A Conformed Recuſant not taking the Sacrament, the firſt year forfeits 20 l. *the ſecond* 40 l. *and for every year after* 60 l.

Every Recuſant that ſhall not come to Church, forfeits 20 l. *for every month.*

Who ſhall be abſent from Church, for every Sunday forfeits 1 l. *and for want of Diſtreſs, to be committed to Priſon.*

To relieve or maintain a Recuſant not going to Church, forfeits for every month 10 l.

To retain in one's Service a Recuſant, who ſhall not repair to ſome Church, forfeits 10 l. per month. 3 Jac. 4.

Now, Gentlemen, you muſt underſtand, that by by the word *Recuſant* is meant *Popiſh Recuſant*, and no other whatſoever.

They

They who ſhall ſend their Children beyond Seas without Licenſe according to Law, forfeits 100 l. 3 Jac. 5.

If any chide, brawl, or draw a Weapon to ſtrike, or do ſtrike in Church or Church-yard.

If any keep a Fair or Market in a Church or Church-yard.

If any voluntarily diſturb the Preacher in his Sermon.

The next Matters that I am to acquaint you with, are,

Offences againſt Juſtice in general.

If any be a common Stirrer and Procurer of Law-ſuits, or a common Brabler or Quarreller among his Neighbours, this is Barratry.

If any maintain the Law-ſuit of another, to have part of the thing in demand, this is Maintenance *or* Champerty.

If any get Goods of another into his Hands, by falſe Tokens and Meſſages, this Deceit *is puniſhable.*

If any counterfeit a Deed or Writing, and publiſh it as true, this is Forgery.

If any corrupt a Jury-man, by Bribery or Menace, to divert him from giving a juſt Verdict, this is Imbracery.

If any wilfully and corruptly ſwear falſely in Evidence to a Jury, it is Perjury; *and to procure another ſo to do, is* Subordination of Perjury.

And

And here, I think, I may mention *Bailiffs* and other Officers taking or demanding unlawful and unreaſonable *Fees.*

None ought to practiſe as an Attorney, *but ſuch only as have been bred up* Attorneys at Law, *and not every little Catchpole,* that has read over a Book or two, for theſe are they that do all the Miſchief, becauſe Ignorance and Knavery for the moſt part go together; and, I doubt, there are ſome who practiſe in this Court who are not duly qualified for it.

The next things you are to enquire into, are,

The Neglects of Conſtables.

If he do not haſtily purſue Hue-and-Cry after Murtherers and Robbers.

If he do not truly execute and return all Warrants ſent to him from Juſtices of the Peace.

If he do not apprehend Beggars, Rogues, and Vagabonds, that are wandring or begging within his Office.

If he do not puniſh, by Stocking, ſuch as refuſe to labour in Hay and Harveſt time.

If he do not preſent at the Seſſions, or to the next Juſtices, the Diſorders in Alehouſes, Defects in High-ways, Recuſants abſence from Church, and ſuch as keep Dogs, Guns, Nets, and the like, for the unlawful taking of Wild-fowl and Hares: And of this there is great cauſe of Complaint both againſt the

the Conſtable and others, that preſume to keep theſe things againſt an expreſs Statute, made the 22d and 23d *Car.* 2. whereby it is provided, *That none that have not* 100 l. per annum *Land of Inheritance, or* 150 l. *for Life, ſhall not keep a Gun,* &c. But People do ſo generally offend againſt this Law, and Conſtables are ſo very negligent in not reſtraining others, that one would think there was no ſuch Law.

If he do not cauſe Watch *by Night, and* Ward *by Day, to be kept within his Office from* Aſcenſion-day *to* Michaelmas-day.

Here alſo is great cauſe of Complaint againſt Conſtables, for in many places this is wholly neglected; or where it is done, it is performed ſo indifferently, that it's little better than if it had been left undone. The Neglect in this, is the Occaſion of moſt of the Villanies that are committed in the *Night*; it is the want of this that gives Encouragement to *Rogues* to do that which elſe they would ſcarcely dare to think on. It's Security that promotes Wickedneſſes of that ſort, and a Fear of being apprehended makes them deſiſt from putting in execution what they had deſigned.

Then

Then Gentlemen, Coroner, Clerk *of the* Market, *of the* Peace, Searchers *and* Sealers *of* Leather, Toll-gatherers, Overſeers *of the* Poor, *and of the* Highway, *all theſe are repreſentable by you, for their Neglects in their ſeveral Offices.*

If Artificers, Labourers, or Servants conſpire what Wages to take, and not to work under thoſe Rates.

If Artificers or Labourers undertake Work, and depart before it be finiſhed.

If Labourers or Servants take any more Wages than the Rates allowed by the Juſtices.

If any Servant aſſault Maſter or Miſtriſs.

If any refuſe to labour in Hay-time or Harveſt; theſe alſo are preſentable by you.

So are Tanners, Curriers, Shoomakers, Butchers, Clothmakers, Coopers, if they fail to do according to the Law.

And now, Gentlemen, I am to inform you of

Offences againſt the PLENTY *of the Nation, ſuch as theſe:*

If any do buy any ſort of Victuals as it is coming to a Market or Fair, this is Foreſtalling.

If

If any buy Victuals in a Market, and ſell it again within four miles, this is Regrating.

If any buy any dead Victuals, or Corn growing upon the Ground, with intent to ſell it again, this is Engroſſing.

If any Victuallers conſpire to ſell their Victuals at unreaſonable Prices.

If any deſtroy Wild-fowls Eggs, or take Wild-fowl, between the laſt of May *and the laſt of* Auguſt.

If any not qualified by Law keep Dogs, &c. *for deſtroying of Hares, Pheaſants,* &c.

But this Law is to be underſtood and executed with the ſame moderation as all other Statutes are, for it was never the intention of our *Law-makers*, that the *Law* ſhould be expounded otherwiſe than according to *Equity* and *Juſtice*; and therefore many *Laws* are made rather *in terrorem*, than that they ſhould be executed ſtrictly in the words of it; for there is ſcarcely any Law, but if executed rigidly, according to the Letter of the Statute, but would rather be Grievous than a Benefit to the *Subject*; for it is a Maxim in the Law, That *Summum jus eſt ſumma Injuria*: And therefore put the caſe, that a Man has a Gun or Greyhound, if it can't be proved that he has deſtroyed *Game*, it will be very hard to bring him within this *Law*. If a Man who lives remote from Neighbors keeps a Gun for a defence of his *Houſe*, ſurely it will be ſevere to judge him an Offender againſt *Law*, for every Man's *Houſe* is his *Caſtle*, and the *Law* will allow us Means whereby we may defend our *Selves* and *Goods* againſt any Violence that ſhall be offered.

If any ſell Pheaſants, Partridge, or Hares.

The

The laſt Matters that I ſhall mention to you are,

Common Nuſances.

If any erect a Cottage, *and do not lay four Acres of Ground to it, to be occupied with it.*

If any continue ſuch unlawful Cottage.

If any keep an Inmate in a Cottage.

If any Common Bridge be out of repair.

If common Highways be out of repair; or if any Ditches be unſcoured or undreſt, which ſhould convey the Water from ſtanding in the Highways.

If the Pariſhioners *have not met at the day appointed to mend the Highways, as the Law directs.*

If any common Vagabonds *and* Beggars, *or* Wandring Rogues *do paſs, or be ſuffer'd to paſs, from place to place.*

If any prophane the Lord's Day, *by travelling that day, or by uſing Sports and Unlawful Exerciſes that day.*

If any prophanely ſwear or curſe.

Theſe and the like are by you to be preſented.

Gentlemen,

I have now gone through the ſeveral Heads of your Charge; many Particulars I have omitted, becauſe I endeavoured to be as ſhort as I could; thoſe that I have given you, I thought to be the moſt material and proper at this time; wherein I have been deficient, I queſtion not but your *Experience* will be able to inform you.

And Gentlemen, you muſt underſtand thus much in general, That it is required from you not only to preſent thoſe Offenders that ſhall come to you by other Hands, that is, by Indictment or Preſentment: But, if upon your own Knowledge any have offended in theſe or the like Caſes, you are to *Preſent* them upon your own *Knowledge.*

Gentlemen,

There is now an Opportunity put into your Hands, to do a great deal of *Good* or *Hurt:* If you ſhall duly preſent all ſuch *Offences* as ſhall come to your *Knowledge*, you then merit the *Good Opinion* and *Love* of your *Country*; but if you ſhall conceal any, then you do a great *Diſſervice* to your *Country*, and make your ſelf a Party in the Crime, by concealing it.

In my Diſcourſe I have in ſome Caſes given you my *Opinion*, and I have done it really and truly from my Heart, out of my ſincere Loyalty to my King and Love to my Country; and if I am miſtaken, I hope you will rather pardon than blame me, for I have no intention to *deceive* you. I wiſh we were all of one Mind, but it is our Miſery that it is otherwiſe. I know ſome parts of my Diſcourſe will not reliſh with every body, but I cannot help it: This is a time that every Man's Principles ought to be known; I am not aſhamed of *mine*, and therefore have been the more free with you. I'll trouble you no further, but pray *God Almighty* direct you in your *Work.*

My

A

POEM

On the Death of

My Lady *Warrington.*

HOW *vain* is every thing that lives by *breath*,
That's only *born* to be *deſtroy'd* by *Death!*
And all the while it doth its *Breath* retain
Is *ſure* of *nothing*, but of *Toyl* and *Pain*,
And only *toyls* that it may *toyl* again.
And of all things that thus ſo *wretched* are,
It is *Man*'s Lot to have the *worſer Share*:
He that was made the *Lord o'er all the reſt*,
Is doom'd with *anxious Cares* to be *oppreſt*,
Being decreed by an *Eternal Law*
In a moſt tedious irkſome *Yoke* to draw;
For he muſt *ſweat* and *toyl*, if he will live;
From which he never muſt expect *Reprieve*.
Thoſe things that do him 'bove the *Beaſt* prefer
Serve only for to waſte his *Days* with *Care*,
And make him *fondly* after *Baubles* run,
To ſeek for *Reſt*, and find himſelf *undone*.
His *Reaſon* often does to *Madneſs* grow;
His *Knowledge* does his *Scanty Talent* ſhow.

Wretched he is, if he *abound* or *want*,
Unceaſing *Racks* the *Needy Soul* does rent;
With *Food* and *Raiment* only who's content?
Or, if it chance his *Goods* do overflow,
As few they are to whom it happens ſo,
The fear of *loſing* what he has deſtroys
The *Pleaſure* of thoſe *things* which he *enjoys*.
For, who can call theſe *Earthly Things* his own?
No ſooner are they *come* but they are *gone*.
As *fleeting* and as *empty* as the *Air*
Are all thoſe things that do employ our *Care*.
Thus, in one ſingle moment, have I loſt
That which of *Earthly Things* I valued moſt;
For with one *fatal ſtroke* Death does deſtroy
The greateſt *Bleſſing* Man did e'er enjoy.
How very great a *Burthen* muſt I bear?
Where is *that thing* that can my Loſs *repair*?
Her *Virtue* was above *Temptation* ſure,
As chaſte as *Ice*, no *Mixture* would endure:
Safely I might my *Honour* with her *truſt*,
Who was in *that* and *all things elſe* ſo juſt.
Not that ſhe wanted any of that *Heat*
That at fit *periods* freſh *Deſires* create,
But in all things her ſelf did *govern* ſo,
To ſhew her *Virtue* and *Affection* too.
So long as I her *Converſation* had,
A perfect *Calm* did then my *Days* o'erſpread;
So evenly my *Minutes* ſtill did *ſlide*,
I'd all the *Comfort*, nothing of the *Care*,
Altho' in *Wedlock Joy* and *Croſſes* are.
Unto her *Care* I left my *Family*,
Her *Prudence* of that *Trouble* did me free.
And with what *Pleaſure* have I oft *beheld*
Her *Conduct*, which all others ſo *excell'd*,

That

That *Solomon*, were he to write again
The Character of a *Wiſe Matron*,
He'd ſee what he had *writ* had a *Defect*,
And by her *Copy* would his *Faults* correct.
What *Wiſdom* and *Affection* did ſhe *ſhow*
When the *rough Storms* full in my *Face* did *blow*?
With how much *Pleaſure* ſhe her part did *bear*,
Or rather ſay, did *take* the *bigger ſhare*,
And always forward ſtill to interpoſe
'Twixt me and any *Storm* when it aroſe?
And though the *Tempeſts* often were extream,
I rather *ſaw* than *felt* them when they came.
Her *Children* found ſhe'd all that tender Care
Which all kind *Mothers* to their *Infants* bear:
None could ſeem fonder, yet withal did ſhow
She did the part of a *wiſe Mother* do;
So equally her ſelf to them addreſt,
That none could tell which of them ſhe *lov'd* beſt.
With pleaſing *Arts* their *tender years* ſhe woo'd,
And made them *early* take *delight* in *Good*;
And ſhe was *bleſt* therein with ſuch *Succeſs*,
It did together with their *Years* encreaſe;
So that it's hop'd, by what's already paſt,
That *good Impreſſion* with their *Lives* will *laſt*.
The *Poor* remember with unfeigned *Grief*,
How often by her *Hand* they've had *Relief*.
How many *Supplicants* did ſhe *cloath* and *feed*,
And ne'r deny'd it any that had *Need*?
Her *Charity* did plentifully flow;
Yet what ſhe *did* was not to make a *Show*,
Her *left Hand* knew not what her *right* did do.
Can any *doubt* whether that ſhe who thus
Govern'd her ſelf was not *Religious*?
To all that knew her *well* it did appear,
She truly did her *Great Creator* fear.

She *humbly walk'd*, and yet without *Conſtraint*,
Was not *moroſe*, nor yet *impertinent*.
In ſerving *God* her Care was to be ſeen
By him ſhe *worſhip'd*, nor obſerv'd by *Men*;
An outſide Worſhip ſhe accounted vain.
A *Cheerful Temper* ſhe by *Nature* had,
And what could then make her *reſerv'd* or *ſad*
That had ſo *early* made her *Peace with God?*
Thus did ſhe *live* till ſhe was *call'd away*,
When the *harſh Meſſage* did not her diſmay;
The *grim-look'd Meſſenger* ſhe did not ſhun,
But made him wait till ſhe her *Work* had done:
She did a *Courage* 'bove a Mortal ſhow,
And in this *Act* did all the *reſt* out-do.
So have I ſeen the *Sun*, who did all day
With mighty *Splendor* his ſtrong Beams diſplay,
Yet did it not abate when it declin'd,
But, as it *ſett*, the *brighter* then it *ſhin'd*.
Thus did ſhe go to her *Eternal Reſt*,
That was of *Wives*, nay, of her *Sex*, the *Beſt*.

F I N I S.

BOOKS printed for, and ſold by John Lawrence, *at the* Angel *in the* Poultry, *over againſt the* Compter.

Gell's Remaines, being ſundry Pious and learned Notes, and Obſervations on the *New Teſtament*, opening and explaining it; wherein Jeſus Chriſt, as yeſterday, to day, and the ſame for ever, is illuſtrated; by that learned and judicious man Dr. *R. Gell*, late Rector of St. *Mary Aldermary*, *London*.

Chriſtian Religions Appeal from the groundleſs prejudice of the Sceptick, to the Bar of Common Reaſon; wherein is proved, 1. That the Apoſtles did not delude the World, 2. Nor were themſelves deluded, 3. Scripture matters of Faith have the beſt Evidence, 4. The Divinity of Scripture is as demonſtrable as the Being of a Deity. By *John Smith*, Rector of St. *Maries* in *Colcheſter*.

Quarto.

The Jeſuits Catechiſm, according to St. *Ignatius Loyola*; wherein the Impiety of their Principles, Perniciouſneſs of their Doctrines, and Iniquity of their Practiſes are declared.

The Reverend Mr. *Samuel Slater's* Sermon on the *Thanksgiving Day*, *October 27th.* 1692. at *Crosby Square*.

——— His Sermon at the Funeral of Mr. *John Reynolds* Miniſter of the Goſpel, who dyed in *London December* the 25*th.* 1692.

——— His Sermon Preached *Feb.* 19. 1692. upon the Funeral of that late excellent Servant of our *Lord Jeſus* Mr. *Richard Fincher*, who finiſhed his Courſe *Feb.* 10*th.* 1692.

An Apology for the Miniſters who ſubſcribed *only* unto the ſtating of the *Truths* and *Errors* in Mr. *William*'s Book. Shewing, That the Goſpel which they Preach, is the old everlaſting Goſpel of Chriſt, and vindicating them from the Calumnies wherewith they (eſpecially the younger ſort of them) have been unjuſtly aſperſed, by a Letter from a Miniſter in the City, to a Miniſter in the Country.

The Anſwer of *Giles Firmin*, to the vain and unprofitable Queſtion put to him, and charged upon him by Mr. *Grantham*, in his Book intituled, *The Infants Advocate*: viz. *Whether the greateſt part of dying Infants ſhall be damned?* Which *Advocate*, while he ſhuts all Infants out of the *viſible Church*, and denies them Baptiſm, opens Heaven to all dying Infants; juſtifying thoſe of his party, who admit them all as he doth into Heaven without Regeneration. The Preface may be very uſeful for the Children of Godly Parents.

Some Remarks upon the Anabaptiſt Anſwer [Sold by *John Harris*] to the *Athenean* Mercuries; and ſome upon his Anſwer, who ſtiles himſelf, *Philalethes Paſiphelus*. By *Giles Firmin*.

A brief Review of Mr. *Davis*'s Vindication, giving no ſatisfaction; being for the greateſt part of it no direct Anſwer to what is charged upon him, but meer *Evaſions* to deceive the Reader. Things that tend to practice are chiefly inſiſted upon, other things but lightly touched; to which is added Remarks upon ſome paſſages of Mr. *Criſp*, in his Book intituled, *Chriſt alone exalted*. The Reaſon of the Authors ingaging in this Controverſie, is given in the Preface to the Reader, by *Giles Firmin* one of the united Brethren.

A Propoſal to Perform Muſick, in Perfect and Mathematical Proportions; containing, 1. The ſtate of Muſick in general, 2. The Principles of *preſent Practice*; according to which are, 3. The Tables of *Proportions*, Calculated for the Viol, and capable of being Accommodated to all ſorts of Muſick. By *Thomas Salmon*, Rector of *Mepſall* in the County of *Bedford*. Approved by both the Mathematick Profeſſors of the Univerſity of *Oxford*, with large Remarks upon this whole Treatiſe, by the Reverend and Learned *John Wallis*, D. D.

A Sermon Preached before the Right Honourable the Lord Mayor, and Aldermen of the City of *London*, at St. *Mary-Le-Bow*, *Jan.* 30*th.* 169¾. By *William Stephens* B. D. Rector of *Sutton* in *Surrey*.

Octavo.

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